# NRC NEWS

**U.S. NUCLEAR REGULATORY COMMISSION**
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**"The Challenges Ahead"**
**Prepared Remarks for**
**Dale E. Klein, Commissioner**
**U.S. Nuclear Regulatory Commission**
**at the**
**NRC Regulatory Information Conference**
**Rockville, MD**
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Last year, I delivered my third RIC speech as Chairman of the NRC. Now I am delivering my first, and last, RIC speech as an NRC Commissioner. Being a Chairman first, and then a Commissioner, is an interesting experience and it gives me a unique perspective. So I want to share a bit of that perspective with you today because I think there are lessons to be learned from the past for how the agency can move forward into the future.

My main goal when I became Chairman was to leave the NRC a better place than when I came. The improvements and upgrades we pushed for—including modernizing our communications and technology infrastructure, aggressively confronting our space needs, and strengthening our international programs to promote global nuclear safety—have, in my opinion, made the agency a better regulator and a better employer.

To be an outstanding regulator we need good people and a strong safety culture, but we also need the right technology. When I arrived here in 2006, the NRC had plenty of good people and a strong safety culture, but it was far behind the times in the technology department. As Chairman Jaczko noted, I have been an advocate of getting the staff BlackBerries. And many will tell you, when I arrived in 2006, I was stunned to learn we did not have any. There were some senior staff who questioned why we needed them. But I know today that they cannot live without them and probably some are using them at this very moment while I am giving my speech!

Though not essential for us to meet our statutory mission, adequate technology greatly enhances our ability to fulfill our responsibilities to our licensees and to the public. Better technology is also necessary for us to attract and retain talent. From my experience as a college professor, I can tell you that younger people today do not know what it's like to live without laptops and cell phones and text messaging. And they simply will not come to work at a place that is technologically out of date. The NRC still has work to do in this area, but we have made good progress in recent years.

Now let me look back, briefly, at a few issues and try to share a few things I have learned during my time here.

In my first month as Chairman, one of the major issues we had to deal with was the tritium leakage at the Braidwood plant. In fact, as Chairman designate, I met with a new senator from Illinois named Barack Obama who was considering legislation that he thought would address this issue. I assured him that I understood this was an important issue needing attention and that the NRC would work with him to address his concerns and the concerns of the public. However, I cautioned that a legislative proposal under consideration might actually undermine the nation's risk-based approach to regulating nuclear safety. One of the first things I did as Chairman was to have the NRC work with industry to set up a voluntary leakage notification program that, for the most part, has proven to be pretty good. But despite the success of that program, I will say that on the whole, the nuclear industry—and to some degree the NRC—have not, in my view, fully absorbed and appreciated the need to have comprehensive and organized communications plans that reach out to the public to explain what is, and what is not, a significant risk to public health. Recent events have indeed demonstrated that we have much work to do in educating the public and stakeholders. If nuclear energy is to expand as part of this nation's energy strategy, public outreach and education is absolutely essential.

Another issue that came up early in my Chairmanship was the question of the NRC's role and responsibilities within the international community of regulators. I repeated, quite often, that we could no longer regard nuclear power in the United States as a strictly domestic enterprise and that industry and the NRC needed to engage more with our international partners. As is so often said, but cannot be overemphasized, "a nuclear accident anywhere is a nuclear accident everywhere" because the public perceives "things nuclear" differently. Aside from maintaining a worldwide standard of nuclear safety, it also seems beyond doubt that the NRC, our licensees, and our stakeholders have all benefitted substantially from our expanded cooperation with other countries.

I don't know if Chuck Whitney from Oglethorpe Power is here today, but a few weeks ago he told me about how their company sends people all over the world to do component inspections. And then he said, "Wherever we go, the NRC is already there. And we are glad to see that." I truly hope that the NRC and the U.S. industry continue to be engaged internationally and use our experience and talented people to promote nuclear safety in emerging or expanding nuclear nations. I know Jim Ellis from INPO spoke this morning. I was quite proud when he joined me two years ago in jointly presenting the U.S. report to the IAEA's Convention on Nuclear Safety. Being proactive and demonstrating to the world that industry and regulators can, and must, share responsibility for safety is one of the most important things we can do to increase public confidence in nuclear safety.

Another challenge that will certainly confront the NRC and the nation for some time is the matter of long-term storage of spent fuel—especially now that a potential repository at Yucca Mountain appears to be off the table. Of course, in my role as Commissioner, I cannot comment on the merits of any of the matters currently before the NRC. But I will say, in my personal view, that I have found the handling of this matter from a national policy perspective… unfortunate. The administration's handling of the matter has already led to the filing of a number of lawsuits and clouded the path forward in a number of significant ways for years to come. Frankly, I would have

preferred the White House to plainly say that it was implementing a policy change. The President has the right and the responsibility to set policy, and clearly an issue of national importance and complexity such as this needs to be periodically revisited. However, in my opinion, the administration's stated rationale for changing course does not seem to rest on factual findings and thus does not bolster the credibility of our government to handle this matter competently.

Those who would distort the science of Yucca Mountain for political purposes should be reminded that it was a year ago today that the President issued his memorandum on scientific integrity, in which he stated that "The public must be able to trust the science and scientific process informing public policy decisions." I honestly cannot say if Yucca Mountain could ever meet the stringent tests that would allow it to be licensed. But I do know that, under the law, that licensing determination… and the technical evaluation of the science… is the NRC's responsibility.

Now that one can ask whether the nation is back to square one with regard to the back end of the fuel cycle, the NRC naturally faces the issue of waste confidence. Many of you have spent the last year or two urging the Commission to pass a new waste confidence rule, readdressing several of the basic findings supporting the rule. But I think the current situation demonstrates that those of us who resisted a rush to update the waste confidence findings were correct to proceed with caution. I continue to question whether the Commission would have maintained its public credibility if it had finalized the proposed update without taking the time to consider more fully the reality of the current situation. What many people—even many people in this room—fail to understand is that the waste confidence rule is a real challenge for us because it is not simply based on the technical judgment of the NRC. Part of the Commission's "confidence" underlying the rule must be based on events that are beyond the NRC's control, and when those events are in flux, the Commission has to be very careful in deciding whether it can credibly say that we have "confidence" that a repository will be open on a given date or period of time.

Since this is the last time I will have an opportunity like this, I want to take some time to express my appreciation to a number of people who helped make my time at the NRC both productive and enjoyable.

First, let me thank Luis Reyes, who was the EDO at the time of my appointment and for the first two years of my term. I don't mean to take anything away from Bill Borchardt, but Luis was the one who took me around and showed me how the agency works. His professionalism, his friendly demeanor, and his sound advice were invaluable to me as I was getting my NRC "sea legs." I also want to thank Senators Tom Carper and George Voinivich both of whom have chaired the Clean Air and Nuclear Safety Subcommittee of the Senate Environment and Public Works Committee. No chairman of a federal agency could ask for fairer, more scrupulous, and more supportive leadership in their oversight committee than these two Senators.

I would also like to thank all the members of the staff who served in my office, and in particular, Paul Dickman, whom I rescued from the Department of Energy to come serve as my Chief of Staff. Some have been with me during my entire tenure here at the NRC, many others on brief rotations. All have been excellent, dedicated professionals. I came to the NRC with the theory that the staff are highly competent and can be trusted. And I have enough trust in my own

judgment that I did not feel the need to be surrounded by "my" people—who would simply tell me what I wanted to hear. Fortunately, my theory was confirmed by my experience, and I thank all my staff for their service.

There are two more people I want to thank by name. First, and above all, is my wife Becky—who not only indulged, but encouraged, this long detour from my academic career so that I could engage in public service: first at the Defense Department and then here at the NRC.

This subject of public service is the last thought I would like to leave you with... which brings me to the second name: Ed McGaffigan. Of all the people I met here at the NRC, he was the one who inspired me the most. I refer to him a lot when I talk about public service... as I did just recently at the Federal Engineer of the Year awards. Ed embodied the qualities of the ideal public servant: intellectual rigor, hard work, and a fearless devotion to the truth. We often disagreed on the issues, but we remained friends and colleagues... because we both thought that collegiality in the Commission was important for helping the agency fulfill its mission.

One of my proudest accomplishments here was to help establish the McGaffigan Award, to honor an employee "who demonstrates an extraordinary commitment to public service and exemplifies the integrity, professional dedication, and moral courage that Commissioner McGaffigan exhibited." I won't be participating in selecting future award-winners, since I will be leaving the agency soon, but I do know for certain that there is no shortage of people to choose from.

Nearly everyone in this room—licensees, vendors, construction engineers, stakeholders—help contribute to nuclear safety in some way. But I think those of us who have chosen public service… whether as an appointee for several years as I did, or for a career as many of you are doing… are fulfilling that incredibly important goal in a special way. And I can certainly say that I have felt very honored to have worked alongside so many fine men and women—the thousands of outstanding public servants who make up what I believe is the most outstanding regulatory body in the world.

My final comments are simple:

- To the staff of the NRC, do not become complacent; keep working to make this the best place to work in government,
- To the industry, keep working to exceed requirements and achieve excellence, and
- To our international partners, keep working with us to achieve consistent high standards that make the world a better and safer place.

Thank you very much.