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13 Official Transcript of the Plenary Session

14 Tuesday, March 9, 2010

15 Speech of Kristine L. Svinicki,

16 Commissioner of United States

17 Nuclear Regulatory Commission

18

19 Commencing at 1:30 p.m.

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Commissioner of United States
Nuclear Regulatory Commission

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1 P R O C E E D I N G S

2 Tuesday, March 9, 2010

3 (1:30 p.m.)

4 MR. SHERON: Our next speaker is

5 Commissioner Svinicki. The honorable

6 Kristine Svinicki was sworn in as a

7 Commissioner of the U.S. Nuclear Regulatory

8 Commission on March 28, 2008.

9 Commissioner Svinicki has enjoyed a

10 distinguished career as a nuclear engineer at

11 the U.S. Department of Energy and as a policy

12 advisor in the U.S. Senate advancing policies

13 and initiatives regarding national security,

14 science, technology, energy and the

15 environment.

16 She has served on a number of

17 expert advisory panels and received a

18 presidential citation of the American Nuclear

19 Society for her contributions to U.S. nuclear

20 policy. She is a graduate of the University

21 of Michigan. Please join me in welcoming

22 Commissioner Svinicki.

1 (Applause.)

2 COMMISSIONER SVINICKI: Good
3 afternoon. You will notice that the Chairman
4 started out today by saying that his first
5 test of the day was to work this podium, so
6 that if you lean on to our expert staff they
7 take care of things for you and I had that
8 arranged with Dr. Sheron to adjust this for
9 me.

10 I will start out by saying a couple
11 of things. I have compatriots here in the
12 office who are stifling their coughs as I
13 have also in the front row and doing that all
14 morning, so I will give you permission during
15 the duration of my remarks if you're
16 suffering from whatever it is that is going
17 around, as I am, please, you are free to
18 cough. Now your neighbors may be a little
19 irritated by that, but I know it's really
20 hard.

21 I had spit out my cough drops and
22 came up here when I looked at this earlier,

1 so I had a strategy on how I was going to get
2 through this without needing this water, but
3 if I do, please excuse me.

4 The other thing I want to comment
5 on, I really just shouldn't do this because
6 it's going to be as if I am going to become
7 known for this, I was speaking in Texas
8 recently and I commented on the fact it was
9 the first time ever that I had attended a
10 large nuclear event or conference, there had
11 been a line, and there has always been a line
12 for the men's room, but a line in the ladies'
13 room, so I said, "That was really an
14 encouraging thing because it was a departure
15 from the past."

16 I have to say for today, that the
17 gentlemen here on breaks who have had to
18 suffer through the long lines that you're
19 wading through, yes, I can validate for you
20 that inside with east views we are in there
21 ridiculing you for the long lines that you
22 have to wade into and we are gloating about

1 the fact that it is so much easier for us.

2 That was just a strange aside, but
3 to the extent that any of my male colleagues
4 were wondering about that, I thought I would
5 let you know!

6 I join my other colleagues on the
7 Commission by welcoming all of you to this
8 conference. It is my second RIC and so I
9 guess we find some need to give this a
10 numerical count, but that makes me among the
11 more recently initiated to the event.

12 So many of you have been coming for
13 a lot of years as this is a long standing
14 event, and I know this has already been said,
15 but let me add my voice to it.

16 The NRC staff is principally in
17 nuclear reactor regulation and the Office of
18 Nuclear Regulatory Research they move heaven
19 and earth to make this look so seamless.

20 They have done it and they might
21 have pulled it off once again, so I want to
22 thank them for all of their hard work and

1 efforts.

2 This has been for me, at least
3 since I have been in the job a couple years,
4 the biggest audience I have addressed in any
5 given year.

6 I heard a story over the weekend,
7 and of course I hadn't prepared my remarks
8 yet which I did Sunday night, so when I heard
9 this story on Saturday I still had time to
10 read it into what I was going to talk to you
11 about today as I never know if people are
12 familiar with various famous names that one
13 throws out. Suzie Orman. She is a really
14 famous financial adviser.

15 She has an Emmy Award winning show
16 and she has written a lot of her best selling
17 books with financial advice.

18 She does have a regular cable show
19 and I was watching it on Saturday night
20 because as a federal employee we're always of
21 course focusing on our financial footing and
22 how we can prepare for the future, so I am

1 like many Americans in that regard, but she
2 said that when she did her first book tour
3 she was booked into book stores and places
4 like that, so you wouldn't be surprised that
5 with these smaller venues she was not as well
6 known at the time and she said that at any
7 given event she was not at all confident that
8 anyone would show up, and truly, there were
9 events where she would show up and only one
10 or two people would be in the audience.

11 She said, of course, it was
12 embarrassing for her and that it was very
13 awkward for the people in the audience when
14 all of these chairs had been set up with most
15 of them being empty.

16 The most telling thing about this
17 story was that she said that to this day, and
18 this is a woman who has been on Opra multiple
19 times and has addressed auditoriums full of
20 people, she said that she was sincerely
21 unsure before she shows up at any speaking
22 engagement of whether anyone would be in the

1 audience and as a result she is to this day
2 very grateful when people come to hear her
3 speak.

4 So when I look out in the audience
5 I feel the same way because by your presence
6 here you're giving me a portion of your most
7 valuable commodity which is your time.

8 I am very grateful that you are
9 here to listen to me today, and of course,
10 even if this room were empty, which I don't
11 think has been commented on yet today, but
12 portions of the RIC are being web streamed,
13 and as I understand it, this is one of the
14 sessions that's being web streamed.

15 Of course, if it's working which is
16 always something we're not sure about,
17 however we are putting a live feed of this
18 event out on to the web so that if all of
19 these chairs were empty, then there is a
20 chance that there still would be an audience
21 listening to me.

22 I want to welcome our remote

1 participants wherever they might be if they
2 were not able to travel here or they just
3 find this to be the most convenient way to
4 tune in.

5 There's some chance that some of
6 those Internet viewers might be from my
7 Facebook community of fans and friends and in
8 reflecting on the last year since I spoke, I
9 have engaged in a kind of experiment for me
10 of using social networking technology to
11 communicate with new audiences about my work
12 as a, Commissioner and what convinced me most
13 in how to do it was meeting with university
14 students so when they come to understand the
15 likelihood that they're going to a federal
16 government website on any given day it's
17 probably not as high as the chance that they
18 are logging into their Facebook page.

19 Again, the Chairman has been very
20 encouraging of new technologies under his
21 chairmanship and I am trying to join him in
22 that. For any of you who have actually

1 logged in or commented on anything that I
2 have posted, I am sincerely flattered by your
3 interest.

4 A lot of what I know about
5 Facebook, because I am very new to it, this
6 is something that I learned from my nieces
7 and nephews who are of teenager and college
8 age and believe you me they are very
9 forthcoming in their feedback about how
10 uncool and boring I am that my content is
11 very boring.

12 So for any of you who are posting
13 comments giving me encouragement, I am going
14 to keep at it and see where it goes as I
15 really personally enjoyed it. So thank you
16 for that and I will join others also in
17 recognizing our international participants
18 who are here.

19 I have had the opportunity now in
20 my time as Commissioner to visit some of you
21 in your countries, my regulatory
22 counterparts.

1 This has been commented on today
2 about the global interest in nuclear energy
3 and as a regulator to regulate a relationship
4 our countries may have been at different
5 stages of the process, but we sincerely and
6 authentically have a lot to learn from each
7 other as we work towards our common
8 objectives in nuclear safety and regulation.
9 So I want to thank those of you who have
10 hosted my visits to your countries.

11 I mentioned that this is my second
12 RIC. My term of service will be about four
13 years and so I am at the half way point. Now
14 half way points to me is interesting as it's
15 an interesting vantage point because you can
16 look about as far back as you want and you
17 can also look forward.

18 But if I look all the way back to
19 the beginning of the personnel in NRC's
20 history and journey one person stands out as
21 having an involvement in that early bit of
22 history and that person is Dale Klein.

1 You didn't think you were going to
2 get away without this happening, were you?

3 I will reveal something that up
4 until now has been kind of a well-kept
5 secret. I get ridiculed for this a lot, but
6 I happen to read my daily horoscope every day
7 in the newspaper. It's a monstrously
8 unscientific and irrational indulgence that I
9 do everyday, I don't know why I do it, I
10 guess it's just because it amuses me.

11 One of the reasons is for the folks
12 who know me, they ridicule me about this, is
13 that most of the time I will refuse to pose a
14 hypothetical and answer a hypothetical.

15 The nature of our business is that
16 we like to stick to the facts. So I don't
17 gamble. I am not into predictions and so
18 it's ironic that I would read my horoscope,
19 so it's also ironic and I will say what I am
20 about to say, I don't think I would be
21 standing here today if it were not for Dale
22 Klein.

1 Let me fill you in a little bit on
2 our shared history. Although I was having a
3 hard time remembering exactly how we first
4 met, and Dale, please correct me and I will
5 correct it, but I think it was through Tom
6 Sanders who had introduced us? Yes.

7 Tom Sanders might even be here
8 today. Tom's the current president of the
9 American Nuclear Society. Tom is a little
10 bit of a force of nature at least in DOE
11 circles because he has introduced a lot of
12 people to other people and he can be at the
13 nexus of a lot of relationships.

14 That was many years ago. We might
15 have even had some passing interaction with
16 each other, but what I do remember a lot more
17 clearly were the years when you were at the
18 Pentagon and I was with the staff on the
19 Senate Armed Services Committee.

20 Every few months Dale would invite
21 me to what we call, "Across the River"
22 because that is where the Pentagon is from

1 the Capital Hill, so he would invite me
2 across the river to have a breakfast meeting
3 in the Secretary of Defense's dining room
4 which he had privileges to and we would meet
5 and we would talk about national security and
6 programs that we both had that we were
7 current and working on so and we would talk
8 about nuclear issues.

9 That really was the purpose of the
10 meetings, but I do have a memory about it
11 that sticks out in my mind though is how much
12 you were on the Pentagon clock and I was on a
13 Capital Hill clock.

14 Dale, however, wanted so set these
15 up so early so I would talk to his staff and
16 I remember saying to them over the phone,
17 "Now, how late do you think I can get him to
18 agree to have breakfast with me?"

19 You wanted something like 6:00 a.m.
20 and we would generally compromise on
21 7:00 o'clock. Dr. Klein joked with me on
22 time. He said, "Kristine, you know there's a

1 6:00 a.m. that comes in the morning, did you
2 know about that?"

3 So I remember sitting there in that
4 dining room, just a lovely setting, we had
5 substantive national security issues that we
6 were talking about and I think we talked
7 about some classified in there which makes
8 it -- Well, it's really very productive place
9 to eat, but I do remember, of course, that I
10 was focused on what we were talking about,
11 but I would get fleeting thoughts which I had
12 throughout my career, "How did a small town
13 girl from Michigan get to be in this place
14 where she has the privilege of working on
15 these issues and here she's sitting here in
16 the Secretary of Defense's dining room?"
17 That was a thought that was in my head, Dale,
18 and I don't think I have ever shared that
19 with you.

20 Since coming to the NRC and serving
21 on the Commission I have learned a little bit
22 more of your background which I might have

1 felt prior to this was intrusive for me to
2 ask about, but knowing what I know about you
3 now, there is at least some chance, as I was
4 sitting there thinking to myself, "What's a
5 small town girl from Michigan doing in the
6 Secretary of Defense's dining room working on
7 these amazing and important issues," there
8 was the chance that you were thinking to
9 yourself, "What's a farm boy from Missouri
10 doing in the Secretary of Defense's dining
11 room getting to work and him being privileged
12 enough to work on these issues.

13 So that statement or that question
14 might resonate with a lot of people in this
15 room where if you received a call to public
16 service and you work in public service, there
17 are so many of us who have that moment where
18 we feel like, "How did I get to be this lucky
19 and how did I get to pursue my passion to
20 this point?"

21 If we are lucky enough to work on
22 the things that motivate us and drive us to

1 try to advance the cause of various ways that
2 we think are so important, but during those
3 breakfast meetings at the Pentagon it was
4 obvious to me that Dr. Klein and I both were
5 motivated by a deep love of country that
6 provides that kind of opportunity for a small
7 town girl from Michigan or a farm boy from
8 Missouri.

9 We know that part of the answer to
10 the question of, "How did I get here?"
11 certainly in Dr. Klein's case, it has its
12 roots in hard work accompanied by a real
13 consuming dedication to the task at hand.

14 There's another element, and I will
15 not speak for Dale, but I certainly feel this
16 way and that other element is belief and it's
17 believing in yourself. It's believing in
18 other people. It's believing in your team
19 and co-workers and it's just a general belief
20 in what's possible.

21 Dale had the notion, and maybe he
22 doesn't want this to be a lingering thought

1 that all of you would have as he may be
2 preparing to move on from the NRC, I hope
3 this doesn't embarrass him, but Dr. Klein had
4 the notion that I would make a good NRC
5 Commissioner.

6 Maybe he would like to distance
7 himself that notion now that I have been here
8 a couple of years.

9 In other words in a time when it's
10 so fashionable to be cynical he believed in
11 me and he believes in other people and I can
12 tell you that most of us have all experienced
13 this depending on who it is, but having
14 somebody believe in you is a really powerful
15 thing if it is anybody, but if it is someone
16 you have admired and respected like Dale
17 Klein, it is a very very powerful thing when
18 it happens in your life.

19 I will go so far as to say, because
20 we do have a lot of people who have known
21 Dale for a long time and a lot of the NRC
22 staff is here, now I don't know specific

1 stories, but there are people who are
2 sprinkled throughout this room and those who
3 may be even listening to me over the
4 Internet, people that Dale has believed in in
5 a similar way, so in that way he has shaped a
6 lot of careers certainly.

7 When you shape somebody's career
8 you are also kind of shaping their lives when
9 you do that so what you do is through a
10 belief in other people.

11 Belief is just another word for
12 faith really, faith in other people, and
13 faith in what is possible is a real powerful
14 force for change. It's a powerful force for
15 good.

16 So believe me on this day I don't
17 want to disagree with Dr. Dale Klein, but he
18 talked about part of his legacy being
19 technology at the NRC, with BlackBerries, the
20 migration to Outlook. So trust me, I am very
21 very grateful for those things, because I
22 don't know that if I had arrived here and we

1 didn't have BlackBerries, I wouldn't know how
2 to transact business without my BlackBerry
3 after all of those years I had spent on the
4 Hill using one.

5 This is not Dale's legacy. His
6 legacy is found in the many lives and futures
7 of the people who are here or who will be
8 listening to this later or who are listening
9 to it remotely.

10 He has shaped a lot of lives and
11 for anyone who has spent his career working
12 with students, first and foremost I think
13 some of what motivates someone to work in an
14 academic environment such as what Dr. Klein
15 has done he knows about the power and the
16 gratification in shaping lives. On behalf of
17 everyone I say thank you for that at some
18 point all of us whose lives you have
19 affected.

20 To be invited down to the ranch,
21 maybe we could have some sort of work program
22 in the vineyard, we could get some of the

1 product in exchange for some time at work, I
2 can learn how to clip vines. I hope that's
3 in the works at some point if you're willing
4 to at least think about that.

5 Dale, again, thank you, I am very
6 very grateful.

7 (Applause.)

8 COMMISSIONER SVINICKI: Thank you
9 for letting me take a drink of water. Now I
10 want to begin with my more formal remarks.

11 I joke to myself because our office
12 of Public Affairs this morning said, "Where
13 are her remarks? We would like to have them
14 prepared for release." So I thought to
15 myself, "Once you strip away the meandering
16 stream of consciousness, there is very little
17 to my remarks."

18 I will begin by thanking people.
19 Can you believe that I didn't write these
20 while watching the Academy Awards. I know
21 they are getting that feel to them, but I do
22 want to thank some people.

1 At my first RIC, I talked about
2 some people who had really helped me on my
3 onboarding process, so I just want give a
4 couple of thank yous, but of course, the
5 first place I have to start is the NRC staff
6 and I was thinking about how could I describe
7 how the work of a Commissioner is just
8 enabled and supported by the NRC staff so
9 directly.

10 I thought about a comparison to the
11 ocean, and I said, "The NRC staff's expertise
12 is like a deep ocean that you draw upon,"
13 then I began to think about that and thought,
14 "Sometimes it's like a very gentle tide
15 coming in as I am working, it assists me, and
16 sometimes it's a deep tsunami that washes
17 over my desk," but on a more human level, the
18 NRC is a community of very really good and
19 caring people.

20 That's what makes part of being
21 part of NRC rewarding when the days are long
22 and the work is hard which is every day.

1 I just want to thank the licensees
2 who put up with my visits to the facilities.

3 I had talked last year about how
4 that's important to me and it's an important
5 component of my complete understanding of
6 what NRC does is to be able to go visit
7 facilities.

8 I know it's not easy by any stretch
9 to be told that an NRC Commissioner is going
10 to come to poke around your operations for a
11 day.

12 So I appreciate the patience and if
13 I hadn't been to your facility yet ... Well,
14 I have a couple more years to go, so you
15 might be penciled in on some planning
16 calendar somewhere so don't think you're off
17 the hook yet.

18 I also want to thank and publicly
19 acknowledge the work of the Advisory
20 Committee on Reactor Safeguards. I know I'm
21 kind of a broken record about the ACRS.

22 Jim Ellis talked about history and

1 God bless Jim Ellis because I actually have
2 him here. I too am a student of history. As
3 I meet with students I always tell them,
4 "This is your heritage and your legacy."

5 I was encouraged that he was asked
6 by someone who is newer to the industry, so
7 there is some history they can read.

8 I am very encouraging because I
9 think it is fascinating. It was a little bit
10 of a wild west beginning, it was a little bit
11 of a frontier mentality and it's great
12 history to know, and if you're looking to
13 buttress your enthusiasm for things to see
14 the vision and the boldness of the nuclear
15 pioneers that is just tremendous to read
16 about that.

17 I had a front row seat to a lot of
18 law making for a number of years in the
19 Senate, so I'm going to say that I have the
20 ability to say this, which is, our law making
21 Congress doesn't always get it right the
22 first time, but the Congress that wrote the

1 ACRS into the Atomic Energy Act, they got it
2 right the first time.

3 It's a public confidence measure
4 and it's so important to my work as a
5 Commissioner and I know my colleagues, so I
6 dare to speak for them. I know they share
7 this view because we discuss the ACRS reports
8 sometimes when we meet one on one and so I am
9 grateful for both the wisdom of Congress in
10 creating the ACRS and for the tremendous
11 personal dedication of ACRS's contribution
12 for the work they do. It's just a hidden
13 treasure in the U.S. nuclear program.

14 I told you that on Sunday night I
15 was trying to figure out what to talk about
16 as I don't know what a RIC audience mostly
17 wants to hear.

18 I get to come last. Maybe next
19 year I will not be last anymore. At least
20 I'm on the first day today. So I'm moving up
21 the ranks here.

22 Generally on the days leading up to

1 this, I'm kind of casting about for
2 inspiration, so I had some strange things
3 that you will be grateful to hear about that
4 I can talk about which is, I was watching the
5 opening ceremonies of the Vancouver Games --
6 Yes, we have president Michael Binder
7 (Canadian Nuclear Safety Commission) here
8 today from Canada, it was just marvelous, and
9 I congratulate Canada on a wonderful
10 successful Olympics Games.

11 They used the Joni Mitchell song
12 "Both sides Now," and since I was in the
13 middle of my term for a while I had a crazy
14 notion that I might thematically build my
15 remarks around the lyrics to Joni Mitchell's
16 "Both Sides Now."

17 I was talked out of that, but I do
18 believe that I could have done it, so it may
19 be in a future RIC speech!

20 On a more promising note, as people
21 know how I like quotes, they know I like
22 movie lyrics and song lyrics, somebody sent

1 me this quote coming from an individual in my
2 own office as we share things to kind of
3 lubricate creative thinking in the office.

4 This was a quote from a legendary
5 figure of American advertising. I wasn't as
6 familiar with him, but his name is Bill
7 Bernbach and what I can tell you about him is
8 if you haven't heard the name he was one of
9 the three founders of a very large ad agency,
10 Doyle, Dane & Bernbach.

11 He directed and developed ad
12 campaigns such as, "Think Small for a
13 Volkswagen Beetle," and "We Try Harder," for
14 Avis Car Rental and I think most famously the
15 Nike campaigns for Life Cereal, but there
16 were two quotes from him that particularly
17 caught my imagination and the first one was
18 this.

19 He said, "The truth is not the
20 truth until people believe you and they
21 cannot believe you if they don't know what
22 you're saying. They cannot know what you're

1 saying if they don't listen to you and they
2 won't listen to you if you're not interesting
3 and you will not be interesting unless you
4 say things imaginatively, originally,
5 freshly."

6 I just mentioned to you the
7 challenge of being one of the later plenary
8 speakers at a RIC and when you also consider
9 that we have all of the sessions and breakout
10 panels there's just a wealth of information
11 there and there will be so much learning that
12 also goes on in the margins of this meeting,
13 so it's a tall order to figure out what I can
14 talk about that is imaginative, original and
15 fresh.

16 Faced with that challenge, I
17 decided to talk about something that's likely
18 old hat to a lot of you, but I discovered it
19 recently which makes it fresh and original to
20 me and maybe to some of what I'm doing here,
21 I will rebrand it and then may be in some
22 sense claim it as my own.

1 I mentioned that I'm half way
2 through my term, I am at the half way point,
3 so hopefully I have discovered quite a few
4 things. One of the things that I think of is
5 having navigated my way this far in, I am
6 certainly going to need some guide posts to
7 make it the rest of the way.

8 I was lucky enough to discover a
9 set of guide posts that resonate very deeply
10 with me and I'm glad that I did not discover
11 these on my legs upon my arrival.

12 I am worried, though, that if I had
13 not had the time to work as a Commissioner,
14 then they might have just been words on a
15 sheet of paper. So the fact that I had some
16 run time in the job meant that as I read
17 these words they really struck a chord with
18 me.

19 In talking about the NRC's
20 principles of good regulation, as I soon as I
21 discovered the principles of good regulation,
22 I realized that they articulate to me the

1 standards by which the regulated community
2 and the broader public should judge the NRC
3 as a regulator and as an institution that is
4 charged with ensuring the public trust.

5 The NRC's principles of good
6 regulation. There are five of them, so I
7 want to reacquaint some of you with them, and
8 if you haven't read them, then do bear with
9 me because they are worth describing in some
10 depth here.

11 The first principle is independence
12 and it reads in part as follows: "Nothing
13 but the highest possible standards of ethical
14 performance and professionalism should
15 influence regulation.

16 "However independence does not
17 imply isolation. All available facts and
18 opinions must be sought openly from licensees
19 and other interested members of the public,
20 the many, and possibly conflicting public
21 interest involved must be considered.

22 "Final decisions must be based on

1 objective unbiased assessments of all
2 information and must be documented with
3 reasons explicitly stated.

4 The second principle is openness
5 and the Chairman talked about that this
6 morning.

7 "Nuclear regulation is the public's
8 business and it must be transacted publicly
9 and candidly. The public must be informed
10 about and have the opportunity to participate
11 in the regulatory processes as required by
12 law.

13 "Open channels of communication
14 must be maintained with Congress, other
15 government agencies, licensees, and the
16 public as well as with the international
17 community."

18 The third principle is efficiency.

19 "The American taxpayer, the rate
20 paying consumer, and licensees are all
21 entitled to the best possible management and
22 administration of regulatory activities.

1 The highest technical and
2 managerial competence is required and must be
3 a constant agency goal.

4 The NRC must establish means to
5 evaluate and continually upgrade its
6 regulatory capabilities and regulatory
7 activities should be consistent with the
8 degree of risk reduction they achieve for
9 several effective alternatives are available
10 the option which minimizes the use of
11 resources should be adopted. Regulatory
12 decisions should be made without undue delay.

13 The fourth principle is clarity.
14 Regulations should be coherent, logical, and
15 practical. There should be a clear nexus
16 between regulations and agency goals and
17 objectives whether explicitly or implicitly
18 stated. Agency positions should be readily
19 understood and easily applied.

20 The fifth and the final principle
21 is reliability. "Regulation should be based
22 on best available knowledge from research and

1 operational experience, systems interactions,
2 technical uncertainties and the diversity of
3 licensees and regulatory activities must all
4 be taken into account so that risks are
5 maintained at an acceptably low level.

6 "Once established regulation should
7 be perceived to be reliable and not
8 unjustifiably in a state of transition.

9 "Regulatory action should always be
10 consistent with written regulations and
11 should be promptly, fairly, and decisively
12 administered so as to lend stability to the
13 nuclear operational and planning processes."

14 So why did I put you all through
15 that? Why did I think that it was important
16 given the finite length of my time up here to
17 discuss the NRC principles of good
18 regulation?

19 Simply put, these are the
20 principles that the NRC strives to live up
21 to. These are the standards that we have
22 asked to be measured against.

1 Where we fall short should
2 challenge us to do better and many of you do
3 because as the advertising executive Bill
4 Bernbach also said, "A principle is not a
5 principle until it costs you something."

6 Well, a job of an NRC Commissioner
7 is a temporary one and this is true of any
8 public office and frankly of any leadership
9 position which so many of you occupy.

10 So I will be the custodian of the
11 office of an NRC Commissioner for a brief
12 period of time and while I hold it, my
13 obligation is to be able to explain clearly
14 to you what I believe the principles all work
15 to uphold and how I will strive to leave the
16 institution a stronger than I found it.

17 The author Allan Webber in his
18 book, "Rules of Thumb, 52 truths for Winning
19 at Business Without Losing Yourself,"
20 described the need for guide posts for
21 metrics in this way.

22 He termed it, "Ask the last

1 question first." He writes, "If you have no
2 clear definition of victory, how do you know
3 when, or if you have won, and for that matter
4 how do you know what you are fighting for in
5 the first place?

6 "If you have no clear definition of
7 victory, how do you allocate your resources?
8 How do you deploy your people? How long do
9 you stick with it and how do you know when
10 you have reached your goal?

11 "Because if you do not know what
12 the point of the exercises is, honestly and
13 accurately, then you're going to wonder
14 around a lot wasting your time and energy on
15 something you don't really understand."

16 Another guide post to me as a
17 Commissioner, of course, is the trail that
18 was blazed for me by the work of the
19 Commissioners who I serve with now and who I
20 served before I came to the NRC.

21 Jim Ellis referred to this a little
22 bit. I was going to call it another of the

1 worst kept secrets of policymaking in this
2 town, but so little of policymaking is
3 genuinely and sincerely new.

4 There is a lot of the same ground
5 that's covered and recovered by policymakers.

6 I have always been a bit of a
7 history buff and as I said I share that title
8 with Jim Ellis. Maybe that's why I have
9 spent so many years working in the Senate as
10 their history positively permeates because it
11 speaks to you from every tile in the floor,
12 from every mosaic on the walls, and if you're
13 listening it is a place where history speaks
14 and it's a place where history matters.

15 Senators often know a lot of
16 history and they are conversant as they have
17 studied the history on the bills they are
18 amending, the laws they are amending.

19 It's a place where the person in
20 the debate knows the most about the history
21 is frequently the person whose arguments
22 carry the day, so it shouldn't surprise

1 anyone and it didn't really surprise me that
2 I would carry that frame of reference over to
3 my work at the NRC.

4 Inside my own office it's
5 understood that if the matter that is before
6 the Commission that I am working on has been
7 voted on in previous iterations or it's just
8 historically by other Commissions it is
9 understood that I want to be provided with
10 the votes of prior Commissions so that I have
11 an opportunity to look at it, and on a
12 Commission such as this that under law the
13 structure is that we would lose a member
14 every year, and gain a member every year,
15 where the issues are so complex access to
16 that historic written voting record of the
17 individual Commissioners is a thread to
18 history, but in my mind it's really the
19 foundational enabler of regulatory stability.

20 From my work on Capital Hill, I
21 have tried to think of some analogies as I
22 talk to Hill colleagues and former friends

1 about these written notes that I look at and
2 the best I could come up with was that it
3 would be as if the senators that we all
4 worked for in addition to voting yes or no on
5 a vote also filed with the Clerk of the
6 Senate a written exposition on, "I agreed
7 strongly with this part. I felt that part
8 was a little weak, I think this part needs to
9 be changed, but on balance, I either support
10 this or I do not support this."

11 In that way I have been a defender
12 of the NRC's voting processes and the
13 transparency I feel that it provides into the
14 Commission's deliberative process than other
15 models.

16 The fuller written record that has
17 been available to me as a Commissioner is
18 something that I fear that the American
19 public has found sadly lacking in public
20 discourse and in other forums because the
21 public wants to hear more than bumper
22 stickers and slogans back and forth.

1 Given the complexity of the issues
2 that face the nation they want public
3 officials such as me to take a firm look, a
4 thorough look, a hard look, and to make that
5 kind of reasoning of why you did what you did
6 at the end of the day available to them.

7 Now whether or not there will be
8 other structures for debate in working in
9 other forums, I will be a defender of the
10 detail understanding that has been of such
11 value to me, and my work as a Commissioner I
12 worry what diminished the conduct of nuclear
13 regulation in this country if it was lost.

14 It is not even so much for myself,
15 but I think future Commissions I want them to
16 be able to look at this historic record and
17 benefit from it the way I have.

18 Waste confidence is a good example.
19 It's interesting to me that my vote, the one
20 vote that I have taken, and there are so many
21 Commissioners' votes on these confidences
22 over the past 30 years, but my vote has been

1 quoted back to me now in legal findings, in
2 lawsuits, public comment records by State
3 Attorneys General, by public interest groups
4 and by members of the public, to me that's
5 really meaningful public participation.

6 Those are the people who care
7 deeply about this issue and I have laid out
8 for them, and I feel it's my obligation to do
9 so, I have laid out for them in detail why I
10 have taken the position on waste confidence
11 that I have and what things were factors in
12 my deliberations.

13 Again, it's not just about me. The
14 important point is that my vote would be
15 enduring in a written record in the same way
16 that the Commissioners over the last number
17 of years have voted on this matter and I have
18 had access to their vote.

19 Returning to my point about guide
20 posts, and that is, this Commission continues
21 to deliberate on the issue and future
22 Commissions need to reopen the issue because

1 at least they will have the guide posts that
2 I have benefited from and they will know what
3 led us to where we are now, and hopefully,
4 they will be able to navigate their way to
5 the best public policy outcomes.

6 By understanding how we got here,
7 and as Allan Webber put it in his Rules of
8 Thumb, "We will not wonder around wasting our
9 time and energy wondering about things we
10 don't know the reasons for," or as the NRC
11 principles of good regulation would have it,
12 "Once established, regulation will be
13 perceived to be reliable and not
14 unjustifiably in the state of transition."

15 The industry, of course, has its
16 own guide posts which have contributed to the
17 enviable safety record here in the United
18 States and significant among them.

19 I am not just saying that because
20 he's here, but our efforts of the industry to
21 police itself through the establishment of
22 INPO.

1 I was joking with Bill Borchardt at
2 lunch, I said, "I was so thrilled to hear
3 that we were inviting Jim Ellis to be here as
4 a speaker today because I so enjoy listening
5 to him which I have had had the opportunity
6 to do," and so I thought, "I feel bad for
7 whatever sad chumps have to go after Jim
8 Ellis," and it turns out that that's me and
9 Dr. Klein.

10 This was Bill Borchardt's retort to
11 me, he said, "But there's a luncheon in
12 between. So it will reset."

13 The work of INPO embodies the
14 industry's willingness to strive for
15 excellence and in that sense it advances a
16 cause supported by the regulator, but in
17 theory where it is not necessarily
18 appropriate for the regulator to be, but I do
19 think that it's a wonderful compliment and we
20 share many objectives with INPO, but they do
21 have a very different role.

22 This was mentioned in passing by

1 Admiral Ellis. INPO has done a lot of the
2 real foundational work in safety culture.

3 When I came here to the NRC and we
4 began to hear about the issue of safety, I
5 began my study of the issue by looking at the
6 INPO safety culture principles and their work
7 which is rooted in so many years of
8 operational experience provided by licensees
9 to INPO, it has the potential of providing
10 that common language maybe with some
11 expansion to have this broader definition of
12 the nuclear industry that will be more than
13 just power reactor licensees.

14 Most importantly, the industry's
15 sustained commitment to striving for
16 excellence in operations when complimented by
17 the existence of the strong independent
18 regulator which is so central that that can
19 provide a strong foundation for public
20 confidence and the safety of the nuclear
21 power.

22 As we look towards the future the

1 NRC processes for new reactor review and
2 licensing are going to build upon this
3 foundation and the NRC that I stepped into in
4 2008, I had the benefit of a lot of foresight
5 and vision by both the previous Commissions
6 and the agency's senior leadership, they
7 developed and established Part 52., they had
8 created the Office of New Reactors and hired
9 the people to fill it. They had worked to
10 put the systems and processes in place to
11 execute this and their efforts have done much
12 to move NRC forward in the necessary steps
13 that will be necessary on the new reactors.

14 I believe that the framework of
15 review for COLAs of reference and subsequent
16 COLAs of having common issue resolution is
17 logical and sound and it can provide a
18 greater degree of predictability in licensing
19 determinations.

20 Personally, I support the number in
21 diversity of new reactor designs which I
22 think does not indicate a failure to commit

1 on the part of designers or industry or a
2 failure to commit to standardization, but
3 it's a reality given the natures of the
4 energy industry in the United States and the
5 ability to choose among designs and sizes of
6 reactors has and will allow applicants to
7 tailor their technology selection to their
8 needs and an element of promise for the
9 futures that greater technological diversity
10 in the fleet may be a potential strength of
11 the future fleet and not this.

12 Also, the Part 52 process is well
13 established, but in my mind we will have to
14 complete the journey of proving itself
15 through the successful demonstration of its
16 final stages and that includes the elements
17 of construction inspection, design acceptance
18 criteria and what I call the ever mysterious
19 ITAC.

20 We discussed the human capital
21 challenges that are lining up for the NRC and
22 in my mind they are not really so different

1 than what the industry faces and we heard
2 that from Jim Ellis.

3 Years 2011, and 2012. There has
4 been reference made to 2012, and that is the
5 year my term is up, so I hope that's not
6 going to be a big disaster here, but 2011 and
7 2012, when you look at the published
8 schedules that NRC has put out for new
9 reactor reviews, there are so many large
10 milestones that line up coincident with each
11 other, so I think the toughest test of Part
12 52 might lay in front of us, and in my mind,
13 we must gain greater confidence in defining
14 and communicating what we will need as the
15 regulator to come to closure on open issues
16 which is always challenging and we must
17 adjudicate and communicate our technical
18 determinations in a timely and predictable
19 manner.

20 I have talked about the challenges,
21 but there are many reasons for confidence in
22 the future. The agency's workforce is strong

1 and performance indicators of our work in
2 safety culture rank among the best in its
3 class not just in government, but in
4 high-performing organizations.

5 The title of best place to work in
6 the federal government correlates really
7 strongly with the results of the NRC's safety
8 culture and work climate surveys.

9 There has been some discussion of
10 the results in brief, but compared to the
11 similar survey in 2005, there were
12 substantial improvements in 16 of 17
13 categories surveyed.

14 That's impressive, and again, as I
15 said, the scores are generally in line with
16 or better than those of US high-performing
17 companies.

18 What is appropriate about this also
19 in my view is that the NRC as the regulator
20 has returned strong results in assessing our
21 own internal safety culture and what that
22 means to me is that that's a noteworthy

1 compliment for the industry wide focus on
2 safety culture.

3 In other words, the NRC needs to
4 exhibit the same values that we expected the
5 industry and just like the industry we are
6 going to keep striving to improve upon our
7 results.

8 I would highlight one result of our
9 survey and that's as you look at the results
10 there's such a strong alignment that every
11 NRC employee feels with the agency's mission
12 and that the NRC employees are focused on
13 their role in making a difference.

14 From all I have observed, I talked
15 about meeting with university students, but I
16 also have a chance to address all hands
17 meetings at NRC, so I see it inside the
18 organization, not just with those who are new
19 to the nuclear profession, but perhaps new to
20 the NRC, or folks with long corporate
21 experience, but are just new to the nuclear
22 as Jim Ellis was talking about.

1 From all that I have observed, the
2 enthusiasm, the spirit of the incoming
3 generation of nuclear professionals is very
4 high. In studying that history they foresee
5 the prospect of a front row seat as the next
6 chapters are written in that history.

7 Not content merely to observe it,
8 they intend to shape that history, not
9 content merely to accept what has been
10 bequeathed to them, they intend to build upon
11 it, advance it, and make it better and in
12 that way they intend to give something back
13 and that is really the challenge for all of
14 us.

15 Whatever future we hope to create
16 it will be built on the foundation of those
17 who came before us.

18 If we want to do more than simply
19 safeguard what they built, what we inherited
20 from them then it's up to us to rise to the
21 occasion.

22 In 1966 Robert F. Kennedy said,

1 "Few of us will have the greatness to bend
2 history itself, but each of us can work to
3 change a small portion of events and in the
4 total of all of these acts will be written
5 the history of this generation."

6 Thank you.

7 (Applause.)

8 MR. SHERON: We have a few
9 questions. Actually, I have got three that
10 have are related to, so I will read all
11 three.

12 One is: "Is a plan for a Plan B on
13 Yucca Mountain a Plan B? What thoughts do
14 you have regarding the importance or
15 non-importance of licensing new reactors on
16 the administration's terminating Yucca
17 Mountain and there is no outlook for waste
18 disposal for more than a generation?"

19 This one I think you will like.

20 "Given your fondness for songs,
21 what song would you think of to describe your
22 thoughts about the termination of the Yucca

1 Mountain application, or if no song --

2 **COMMISSIONER SVINICKI:** I want to
3 answer the last one first.

4 **MR. SHERON:** "Or if no song you can
5 think of does justice to the subject, can you
6 provide your thoughts in plain language?"

7 **COMMISSIONER SVINICKI:** I am
8 wondering if I know who planted that question
9 because I indicated that if I were asked any
10 question about waste confidence that I had,
11 there are some song lyrics that every time I
12 hear them they make me think of the situation
13 on waste confidence, this makes me seem so
14 odd, but it is from Don McLean's American
15 Pie, and yes, it is old but my father loved
16 his album.

17 But you're probably all thinking
18 about the verses, and there are like 25
19 verses to the thing, it goes on forever, but
20 at the at very end, I said: "If anyone asks
21 me about waste confidence, I am going to say
22 these lines from the end of American Pie

1 which is, "I met a girl who sang the blues
2 and I asked her for some happy news, she just
3 smiled and turned away."

4 (Applause.)

5 COMMISSIONER SVINICKI: I think
6 that sums it up in a nutshell. Please, don't
7 judge the beginning part of this answer.

8 I agree with everything Chairman
9 Jaczko said this morning about waste
10 confidence and everything that Dale Klein
11 said, so your immediate answer is, "Why isn't
12 it done?"

13 What Chairman Jaczko talked about
14 is as a Commission and Dr. Klein talked about
15 the credibility of the Commission which is
16 that we do not make this policy, but we
17 cannot take our regulatory actions into
18 vacuum.

19 We need to be looking at what is
20 happening externally and outside of our
21 jurisdictional reach, but at the end of the
22 day, Chairman Jaczko and I have discussed

1 this history many times. The original need
2 for the Commission to act on waste confidence
3 arises from legal challenges to the NEPA work
4 of agency many years ago, so it has its roots
5 in the National Environmental Policy Act and
6 it is not a licensing determination.

7 It's the NEPA required strong look,
8 a critical look, at environmental impacts.

9 The NRC cannot undertake our
10 rulemaking with our head in the sand. It's a
11 very dynamic public policy right now on this
12 issue, but I am very confident that we know
13 what our regulatory and what our statutory
14 mission is and we know what is required of
15 us, so we are going to combine with what we
16 need to and we will do the technical work
17 that is necessary to get us there.

18 Beyond that we are still
19 deliberating, but I do agree with both of my
20 colleagues who have addressed this issue
21 today.

22 MR. SHERON: The next question.

1 "What are your top three concerns as an NRC
2 Commissioner and why?"

3 COMMISSIONER SVINICKI: Chairman
4 Jaczko was only asked one thing that was
5 keeping him awake at night, and I have to
6 have three.

7 I talked about the human capital
8 challenge, so that's probably in front of
9 mind for me. I bore a lot of people with
10 this story in all-hands meetings, and with
11 other contacts.

12 I know that my own experiences are
13 just anecdotes. We are human beings. So we
14 use our own experiences.

15 When I had a freshly minted, and
16 the ink was not dry on my engineering degree,
17 I began to work in technical environment, I
18 had the ability to identify issues that was
19 not of a concern, but what I needed was to be
20 mentored in by more experienced engineers was
21 in how do we come to closure on a technical
22 issue that we have identified?

1 I credit Bill Borchardt who at the
2 start of his tenure at EDO said that looking
3 at the agency's processes for issue of
4 closure we do have issues even as the
5 Chairman mentioned that have been open for a
6 very long time.

7 Also I mentioned in my remarks our
8 need to articulate what it is we want
9 applicants to provide so that we can close on
10 issues.

11 This is a bit more of an art than
12 science and with as many new employees as we
13 have it is something that we need a strong
14 knowledge transfer and the ability to
15 apprentice people.

16 When I started with DOE, I said
17 that I didn't have anyone to rescue me from
18 DOE. I spent a lot of years there and the
19 demographics were such that I had three very
20 experienced engineers in my branch, so when I
21 was responsible for reviewing a safety
22 analysis report I could take my compilation

1 of comments to them, and say, "Did I review
2 enough calculations? Have I performed the
3 appropriate due diligence as a reviewer to
4 say that my work is done?"

5 Now our demographics is such that
6 our experienced folks are having to mentor a
7 multiple. Again, it was great for me. I
8 didn't have to bother the same person each
9 time, but now we ask a lot of our experienced
10 licensing folks at NRC and we are asking them
11 to mentor a lot of newer folks.

12 Then it comes at the time of this
13 workload. It's almost as if we have to get
14 it perfect. So we're asking a lot on the
15 human capital side. Human capital is one,
16 two, and three. Does that work?

17 MR. SHERON: Please comment on the
18 following. "A key point of safety culture in
19 any high-hazard industry is the widespread
20 understanding of incompliance with safety
21 regulations."

22 COMMISSIONER SVINICKI: I agree.

1 It was like a test. My jokes are like
2 differing professional opinions. They will
3 not be silenced.

4 It was interesting. When I started
5 at NRC with early meetings that the
6 Commission held on some fire protection, I
7 didn't know the scope of the issue, so my
8 staff came to me and they said, "What is your
9 position on fire protection?" I said, "Fires
10 are bad."

11 MR. SHERON: "Do you anticipate
12 resurgence of nuclear plant design licensing
13 construction and operation to be accompanied
14 by a resurgence in litigation over the
15 implementation of nuclear plants, and if so,
16 what do you predict the impact that
17 litigation will be on the Schedule 4 and the
18 viability of new nuclear plants?"

19 COMMISSIONER SVINICKI: I said
20 before, other than reading my horoscope I
21 don't like making predictions.

22 Let me say in all seriousness,

1 although it's very difficult to look over the
2 horizon which is a little bit of what this
3 question is asking for, I do feel that a lot
4 of smart people who came before me have
5 studied what happened in the first round of
6 reactor construction in the United States and
7 I think that the processes that we have now,
8 like Part 52, and the hearing processes that
9 will accompany the licensing process, my
10 sense is that smart good minds have tried to
11 incorporate what worked and what did not work
12 there. While still providing for a fulsome
13 public participation they have tried to look
14 at it. Again, I know you're asking about
15 litigation, but litigation grows out of
16 frustration with the established processes.

17 To the extent that those processes
18 have improved from the first round of
19 building in the United States, my hope would
20 be that there would be less litigation as a
21 result.

22 MR. SHERON: The last question

1 which you should like. "So did your
2 horoscope today prove to be accurate?"

3 COMMISSIONER SVINICKI: It gave me
4 some type of a warning. I'm trying to
5 remember now what it was because I do tend to
6 ignore them. I think it said something about
7 if someone was going to be insincere to me,
8 I'm sure that would never be the case, but I
9 guess the jury is out on the horoscope.

10 Thank you very much.

11 (Applause.)

12 MR. SHERON: That concludes the
13 plenary sessions. We will take a break now
14 and we will reconvene at 3:00 o'clock.

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