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NUCLEAR REGULATORY COMMISSION

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26th ANNUAL REGULATORY INFORMATION CONFERENCE

COMMISSIONER WILLIAM D. MAGWOOD PLENARY

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WEDNESDAY

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The Regulatory Information Conference convened in the Grand Ballroom of the Marriott Bethesda North, 5701 Marinelli Road, Rockville, Maryland, at 8:30 a.m., Eric Leeds, NRR Director, moderator.

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

8:29 A.M.

MR. LEEDS: Good morning and welcome back to the 26th Annual Regulatory Information Conference. I hope you all enjoyed yesterday's events and technical sessions and are ready for another full day.

For those of you who were not here yesterday, again my name is Eric Leeds. I'm the Director of the Office of Nuclear Reactor Regulation here at the U.S. Nuclear Regulatory Commission.

This morning's plenary sessions feature Commissioners William Magwood and William Ostendorff. So to start off this morning's session, we'll get right to it. And I'd like to introduce you to Commissioner William Magwood.

The Honorable William D. Magwood IV was sworn in as a Commissioner on April 1, 2010. Mr. Magwood has had a distinguished career in the nuclear field and in public service. He was the longest-serving head of the United States Civilian Nuclear Technology Program, serving two presidents and five Secretaries of Energy. Mr. Magwood served as the Director of Nuclear Energy with the U.S. Department of Energy for seven years where he was the senior nuclear technology official in the U.S. Government. He

oversaw the restoration of the Federal Nuclear Technology Program and led the creation of Nuclear Power 2010 General IV and other innovative initiatives, including efforts that helped reverse the decline in American nuclear technology education.

Before his tenure in the U.S. Government, Mr. Magwood managed electric utility research and nuclear policy programs at the Edison Electric Institute in Washington, D.C. He also served as a scientist at Westinghouse Electric Corporation in Pittsburgh, Pennsylvania.

Since joining the NRC, Mr. Magwood has been a strong advocate for both U.S. science and technology education and robust international cooperation. He has sought to assure transparency and to improve the Agency's openness to public participation. As an NRC Commissioner, Mr. Magwood has been a vigorous defender of the NRC's regulatory independence and adherence to the principle that regulation should be based firmly on scientific and technical facts.

Please join me in welcoming Commissioner Magwood.

(Applause.)

COMMISSIONER MAGWOOD: Good morning. It's a pleasure to be here this morning and thank Eric

for his work. Give us a moment here, we're doing an adjustment or not. Is that the highest it goes? That's too tall.

MR. LEEDS: Technology.

COMMISSIONER MAGWOOD: Technology. Yes, due to technical difficulties this speech will be postponed.

Again, thank you, Eric, for the introduction and I thank all of you for being here today.

Every time I come to the RIC, I'm so impressed with the quality of the event and the quality of the presentations and discussions. It really is a remarkable conference. So I thank the conference staff, the people who worked so hard to put this together over the last year. And I thank all of you for being here. It's been a pleasure to see so many people that I don't normally see on a day-to-day basis. It was a pleasure to see so many members of the ACRS here today, members of the ASLB. I saw members of our Advisory Committee on Medical Uses of Isotopes, so lots of people are here that support the work of the Commission and we appreciate your participation.

I would like to take a moment to also thank my personal staff. They're all lined up here today,

my cheering section over here. Patty Jimenez, Renee Taylor, Rob Krsek, Molly Bupp, our newest addition, Janelle Jessie, who has joined very recently who replaced Rebecca Tadesse. I don't know if Rebecca is in the audience today, but she somehow got a job on the staff after beating the hell out of the staff for the last four years. I don't know how that happened, but she did manage to land a position, so good luck to her.

Finally, Patty Bubar. Many of you know Patty Bubar my chief of staff. She makes my job so much easier and she's been sort of a constant in our office to make things work very well and never forgets a birthday on top of that. So Patty, thank you very much.

Now as you already heard, it's been a very eventful year at the NRC -- actually, Eric, first slide. Do we have a clicker? Did you put the slides in?

MR. LEEDS: No, sir.

(Laughter.)

COMMISSIONER MAGWOOD: Where's Patty?

(Laughter.)

COMMISSIONER MAGWOOD: Actually, I don't have any slides this year. Usually I have some.

(Laughter and applause.)

But notice how calm Eric was during the crisis.

(Laughter.)

As you've heard, it's been a very busy year. 2013 was a very productive year for the Agency. The Commission, among other things, developed a new rule on venting strategies or instructed staff to develop a new rule on venting strategies. We developed a new rule on risk informing low level waste disposal. We launched a new policy statement regarding our relationships with tribal governments. And we responded comprehensively to court decisions related to high-level waste. So it was a very busy year.

Also in the last year, as you may know, the Commission appointed a new EDO, Mark Satorius, and also a new general counsel, Margie Doane. I think both of them are here today. Fortunately, neither yet has retired to Florida so I guess it's not as challenging as they were concerned. But we still have the same old Eric, Eric is still here and the four years I've been here, Eric has taken this position and guided these plenary discussions along with Brian and they do a fantastic job. So thanks to both Eric and Brian for their work in making this happen.

Now for me personally, it's been a very busy year as well. This year, I walked on a basement rebar, the first nuclear power plant to be built in this

country in a generation. At the same time, the very same year, just a few weeks later, I was in the control room of the first nuclear power plant to ever be shut down in this country for purely financial reasons and watching that plant power down for the last time.

In the past year, I've also addressed members of Japan's Diet to talk about nuclear safety, how NRC works. I met with the Premiere of Taiwan to talk about regulatory independence and Ministers in Indonesia. I've also met with scores of now hundreds of young people who are either entering or are beginning their careers in nuclear technology, impress upon them the awesome responsibility they're undertaking and members of the nuclear community.

So it's been a busy year for all of us. But it's only one of many this Agency has had in the 40 years since the Energy Reorganization was enacted, 40 years ago this coming October as a matter of fact. But as varied as our activities are, they all focus on one single concept, the concept that nuclear safety is the focus of our activities.

Nuclear safety is why the NRC was created. Out of the great accomplishments and great controversies of our predecessor, the Atomic Energy Commission, NRC was created to provide clarity of

voice, a singularity of purpose, and an existential focus on nuclear safety. Or to be more precise, to assure that the utilization or production of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public.

As many of you know, this phrase is taken from Section 182 of the Atomic Energy Act of 1954. The legislation provides the core of our authorities. The Atomic Energy Act is a far-reaching comprehensive piece of legislation, but it's still just a haiku compared to what Congress puts together these days. And while it's a creature of the deep denizens of the Cold War, it remains a subject of active conversation today. And despite its many amendments, its foundational principles remain intact.

But how we interpret and apply those principles has evolved considerably since the Act was passed 60 years ago this coming August. How the broad authority bestowed by the AEA in the era of Eisenhower are made manifest in the era of Obama reflects many other laws passed by Congress, many court decisions, and decades of regulatory experience and precedent.

The NRC itself is built upon thousands of experiences reflected in guidance and procedure. This

is reflective of the inculcated culture of the organization, the evolving work practice of generations and staff and decisions made by the 33 people who served as NRC Commissioners. The result is not simply a regulatory framework, but it is a collective wisdom.

In the Book of Proverbs it is written that "wisdom hath built her house; she hath hewn out her seven pillars." Our house is based upon the pillars of wisdom that reflect what we have learned and what we continue to learn. Our regulatory framework rests upon the pillars hewn out over the decades. But this wisdom is not static and has never been. Our understanding evolves with experience and the on-going commerce of ideas. Thus, while we apply our current foundations to prepare for the future, our greatest challenge is to allow those pillars to shift without shaking the entire edifice.

Among the pillars that support NRC's framework is the understanding that narrow purpose is its own power. Part of the reason NRC was created was to address public concerns about the scope and power of the Atomic Energy Commission. The NRC's role and powers are supported by walls or barriers established over the decades. The resulting framework, while

serves us well, is complex even to those of us living in it every day. For the public, it can be downright confusing.

For example, when the average person learns that a radioactive material called tritium is leaking from a nuclear power plant into the groundwater, she probably expects the NRC to take immediate action to stop it and to punish those responsible. So she goes to a public meeting. Then she learns that NRC is a safety regulator. We're not an environmental regulator. Further she learns that the leak is not an indication there's a problem with the safety systems of the plant and also this leak is not a hazard to human health. Therefore, NRC has no basis for action.

In other cases, members of the public ask the NRC to weigh in regarding one technology or the other, fuel-cycle technologies predominantly, storage systems. And we even are questioned on whether it's necessary for a utility to even build a nuclear power plant if say wind power is a viable alternative. In such interactions, the bright line we at NRC see between our role as a safety regulator and the role of national energy policy decisions can appear murky and inexplicable to those outside the Agency.

These limitations sometimes appear frustrating, even to many people inside the Agency itself, but they serve an important principle. Vince Lombardi once said "Success demands the singleness of purpose." We take action only when it's relevant to our imperative to protect human health. We leave to Congress the decision whether to restrict or encourage particular technologies. Our singleness of purpose focuses our regulatory scope and it separates regulatory decisions from policy decisions.

Another area that causes consternation is an attribute for which NRC is often lauded internationally and that's our rigorous discipline process for making regulatory decisions. When a proposal is made to change our requirements, we first consider whether that change is needed to ensure adequate protection of public health and safety or to assure in accord with common defense and security. This has occurred in the past and we have taken action along those lines such as with the terrorist attacks in 2001.

But these developments are thankfully quite rare and unusual. It's far more common that the proposed changes do not address the merits or challenge the adequate protection definition. Instead, it's far

more common that such changes provide more incremental benefits. If a proposed change is not in response to an issue of adequate protection or does not raise unaddressed concerns of common defense and security, NRC then engages in what we call a "backfit" analysis. We look at these issues in terms of how the safety benefits compared to the resources required to implement them. We do this as quantitatively as practical, but there is considerable judgment and debate involved in this process as well. We saw this very recently as the Commission considered a staff proposal regarding the filtering of containment vents.

There are many observers who feel quite strongly that matters like these should not be decided by a cost-benefit analysis. Few other countries apply such an approach, and it has been argued that backfit analyses place the financial interests of industry over the safety of the public. In my view, this is an uninformed opinion.

The organizational and legal traditions in the United States are very different from many of our friends overseas. In many countries, for example, nuclear industries are owned or controlled by national governments. In the U.S., nuclear power plants are almost entirely privately owned businesses. In our

legal tradition, private companies have rights that are in many cases similar to those of individuals. Commercial companies have an expectation that requirements will not be imposed upon them without good cause and due process. Our processes are in line with this tradition.

But more to the point, a disciplined approach allows us to focus both NRC and licensee resources on the issues of safety significance. When everything is significant, nothing is significant. Management attention, engineering talent, and, yes, financial resources can be spread too thin. And when this occurs, safety is not enhanced, it is weakened. Our quantitative, disciplined approach reflects this understanding.

I am not sympathetic to those who believe that the backfit rule makes it too hard to put new requirements in place. It should be hard. It forces us to question ourselves about what is truly needed for safety and avoid taking steps just because they may be popular or politic at the time. At the end of the day, if there is a matter that appears to be needed for safety but doesn't survive a cost-benefit analysis, the Commission itself has the authority to use its judgment to impose any requirements it finds necessary. I think

the order we placed in 2012 to enhance the instrumentation in spent fuel pools is a good example.

Now the Commission itself is a vital pillar in our safety infrastructure. I'm sure some people hate it. You find people not in the direct thrall of the usual executive branch control, independent at very inconvenient times. Sometimes a bit deliberate. We admit that. Occasionally in disagreement with the staff. Occasionally in disagreement with itself. The Commission is kind of like a close, weird family, slightly dysfunctional. But if you live in one, you come to understand and appreciate it. There are probably about ten people in this room today that understand it. In addition to my colleagues, we've been lucky to have former Chairmen Diaz and Meserve with us. I see Chairman Diaz right there. Former Commissioners Lyons and Merrifield have also been here. And I thank all of them for continuing their participation and supporting the Agency and giving us the benefit of their wisdom and experience.

As I've noted in the past, the Commission structure, which involves intensive, informed debates among five individuals with very different backgrounds, as an example, university professors, nuclear submarine commanders, congressional committee

staff, sages.

(Laughter.)

This structure provides an excellent mechanism to reflect society's evolving view as to what constitutes adequate protection. After four years at the center of this process, I think it's far better to use the Commission to make important complex decisions than leaving those matters to a single political appointee. Nevertheless, I'm sure there are many people who think we get it wrong.

Since I've been on the Commission, we have had vigorous debates about worker dose standards, and most recently spent fuel pool safety. It's very rare that everyone is satisfied with the judgments the Commission makes on such issues. But the process we apply is a disciplined one and one that assures consideration and evaluation of all relevant information. And in my opinion, we've gotten just about right every time. That's not to say we're perfect. Humility, even for sages, is a core attribute of a good nuclear safety culture. As such, we must be able to change and revise our fundamental pillars should experience, knowledge, or the availability of new methods, tools, and technologies compel us to do so. Ignoring the call for fundamental change is as bad

as leaping to change for the sake of change or the vicissitudes of fashion.

As a regulatory organization, we value stability. And our licensees value stability. Yet, one of the most important pillars of NRC's success to date has been our ability to evolve. SALP gave way to the ROP. Part 50 yielded to Part 52. It is my belief that the next major step in our evolution is the adoption of a strategy based upon risk-informed, site-specific regulation. If we've learned nothing else over the years, it is that each nuclear power plant is a unique creature. In the United States, in particular, most plants are unique in design. They have wide variances in operating history and in the modifications incorporated over the years. American manifest destiny has bestowed upon us a country with swamps and deserts, plains and mountains, forests and tropics, and we have nuclear power plants in most of these environments. Each site has unique characteristics and hazards that must be understood and addressed by plant design and operation.

As Commissioner Apostolakis said yesterday, "risk contributors are plant specific, even for sister units." See, I was listening. I was just resting my eyes yesterday.

(Laughter.)

Now the NRC staff does a good job of recognizing the different issues as it seeks to implement regulations. But the fact exists that the agency issues and prioritizes regulatory actions on an industry-wide basis. It is not quite "one size fits all," but it is a close relative. We have barely scratched the surface of the benefits to be obtained by designing regulatory agendas on a plant-by-plant basis and using to the extent practical, quantitative understanding of risk. Adopting such an approach would allow the resources at each plant to be focused on the issues of highest significance for that plant and to get them done quickly and efficiently.

Staff is working on the risk prioritization initiative and I think that's moving us in the right direction. I congratulate the staff's creative efforts for developing this path.

However, it is vital that we never lose the perspective that plant operators are responsible for safety, not the NRC. There's no legislation that states it, but operators must take the principal responsibility for the safety of their plants. This understanding informs all that we do as both regulator and regulated.

Now a licensed operator once asked me an interesting question. "Would nuclear power plants be safe if NRC didn't exist?" That's a question we should all ask ourselves. The answer should be yes. But I doubt that there are very many people in this room today that would say yes without hesitation. Just as plants differ, so do the companies that own and operate them. Some are, quite frankly, strong than others. If that were not the case, we would not have and need an INPO.

That is not to suggest that any operator would, left to its own devices, would run a plan in an irresponsible manner. But without a regulator, what pressure would plant managers feel from boards and financial staffs? Would maintenance cycles be stretched? Would training be cut back? What would be the safety goal? How much risk would be acceptable?

The reality is, quite clearly, that industry needs the NRC. Where would public confidence be without a strong regulator? NRC provides a common expectation for safety across the country that all operators understand they must meet. This provides a coherent standard by which decisions regarding plant operations and investment can be measured.

But this yardstick should not become a shepherd's crook and plant managers should not be

pushed in the role of sheep led about by the NRC staff. We must not create an environment in which plant decisions are made or not made with solely compliance in mind rather than plant safety. When owners refuse to make safety-beneficial investments in a plant unless NRC requires them, we have all failed. When plant managers forego the installation of equipment that they believe would increase the safety of their plants because the NRC staff gives little or no credit for the installation, we all need to take a long look in the mirror. Are these the outcomes we expect and want? I don't think they are.

Now think about the practices that have evolved over the decades and the cultures we have established both good and bad. For many of the people who regulate and operate plants today, the current balance between regulator and licensee is viewed in the context of TMI era. They have the perspective born of experience to know how to draw the lines between regulations and related.

But with a new generation gaining prominence in the industry and the NRC, this experience is fragmenting into snippets in the past. I am proud of the important role of the Federal Government, in general, and the NRC, in particular, have played in

supporting nuclear technology education in this country. What we have accomplished has helped prepare us for the changing of the guard and assured that the most important pillar of our nuclear safety infrastructure, highly trained people, will remain strong for many years to come. That is a success story.

But this new generation of engineers and scientists, as quick and bright as they are, lack the experience of the days when dozens of new plants came on line and plant transients were all too common. The experience of those who managed NRC and the industry during those times is fading from the scene, never to be replaced. Even with the NRC's excellent training programs, this is a reality that cannot be evaded.

However, these young people also bring new ideas, new energy and new approaches as they grow into positions of increasing responsibility. Even now, in plants across the country and in the halls of the NRC, this new generation pushes us into the future. At the same time I know that there are those of you, Janelle, who is sometimes frustrated by the structures and practices of the ruling generation. As T.E. Lawrence wrote in his memoir, Seven Pillars of Wisdom: A Triumph, "Youth could win, but had not learned to keep, and was pitiably weak against age." But be patient,

your time is coming and soon you'll have the responsibility for nuclear safety and your challenge will be to be ready and to accept that responsibility when it comes.

One of the greatest aspects of the RIC is the participation of so many of our friends and colleagues around the world. We welcome all of you. Thank you for attending this year's conference. Your presence today, however, is no longer just a luxury or a convenience. It's a vital necessary.

I've often reflected on that moment, during the signing of the Declaration of Independence when Benjamin Frankly famously remarked, "We must all hang together, or assuredly we shall all hang separately." This comment applies to many things in life, but even Franklin, another sage, could never have forecast how well it applies to a group like the 3100 people in this hall today.

Nuclear power is a global undertaking and we are in this together. We are married to each other. We are held hostage by each other. We are each other's best friends and worst enemies. We are at once buyers and suppliers. We are teachers one day and students the next. The relationships and cooperation we share are part of the modern foundation of nuclear safety in

all of our countries. We must seek to expand and extend them.

When the Atomic Energy Act became law 60 years ago, no one could have imagined the breadth and diversity of nuclear power and nuclear regulation as it exists across the world today. Our challenge is to find a way to make that diversity strength from which to build a brighter, safer future for the publics we all serve.

Thank you very much.

(Applause.)

MR. LEEDS: Thank you very much, Commissioner. We have a number of questions from the audience and since we have some time, we'll get started.

COMMISSIONER MAGWOOD: No.

(Laughter.)

MR. LEEDS: Okay, next question. In Japan, there are many idled nuclear power plants. Now it's been three years after the Fukushima accident. In general, what do you think would be the best approach for any country trying to restart plants that have been shut down?

COMMISSIONER MAGWOOD: Well, first let me say that as I mentioned, I've addressed Diet groups in Japan. The question was asked in a meeting in Japan

as to whether the requirements that the new JNRA has put forward are too conservative. And I was asked for an opinion about that. My answer was that if you look at what happened in the United States after 9/11, you saw a very conservative reaction to security and even to this day, security in the United States is far more conservative than it is in many countries. So I think given the magnitude of the disaster faced by our colleagues in Japan, it's no surprise that they've taken a conservative approach to regulation. I think it's appropriate given the circumstances.

So I think that it's something each country has to decide given the circumstances facing it as to how they restart plants, but it's very important that it be done in a consistent and coherent fashion with clear and transparent rules. As long as that's done, I think that the approach taken by each country is appropriate given the circumstances.

MR. LEEDS: Thank you. The next question reads, it involves safety culture, but it starts off, it isn't easy to change, build, or engineer an organizational culture. How can countries about to embark on nuclear energy programs build cultures that embrace safety?

COMMISSIONER MAGWOOD: That's an

excellent question and no one knows the answer to it, even me. But I think there are some things that we have seen that do work. One is many countries that are growing their nuclear regulation organizations have formed close relationships with countries with established organizations like NRC and ASN in France and others. And we do personnel exchanges. We have people who spend time at NRC and learn how we do business.

And we send our people to overseas countries to espouse and to show people by example how we do business. I think that's how it begins. I think that's the value. And there are many people in this room from overseas who have spent time at NRC. And some of them have even gone on to be head regulators. I'll be meeting with one today. I think that that's how we can help inform that process. But it's a very difficult question because all these cultures are very different.

What works at NRC may not work in another country in all cases. So it's something that's a very difficult thing to develop over a short period of time. But the truth is everyone, I think, has to understand that there's a need to develop a culture like that and to do everything they can to develop it.

MR. LEEDS: Thank you. This next question, Chairman Macfarlane noted that the front end of the fuel cycle should integrate with the back end of the fuel cycle. Do you have any comment on how this was already done through reprocessing and what changes may be required now?

COMMISSIONER MAGWOOD: Well, I think it's true that when you look at the fuel cycle that you should think about the whole fuel cycle. And I think as part of that whenever you have -- whenever you're developing particularly a new technology that you think about the entire fuel cycle and what kind of fuel do you start with and where is the spent fuel going and how do you treat that?

Obviously, when we started embarking upon nuclear power back in the 1950s, the vision was a reprocessing vision. The idea was that we were going to mine uranium, burn it in light-water reactors, reprocess it and it was going to be a whole fuel cycle involving fast reactors and reprocessing. That was the vision up until the early '70s.

Quite frankly, I think that our vision in the United States to go to a once-through fuel cycle has been one we've been struggling with ever since. We've been trying to accomplish that, but there have

been pluses and minuses to that approach and we've never quite settled on a clear strategy.

Now I think that we do now have an opportunity to take another look. There's a lot of good thinking that's gone on in the Blue Ribbon Commission that Chairman Macfarlane served on and there's other things going on now as well to try to lay out a path to the future. I don't think that path in the immediate future calls for reprocessing. I don't think it's practical for us to go down that path today. But in the long term future, if there are advances in technology, I think it's something we should look at again. But for now I think we just have to sit by and watch and continue as we're going until more policy decisions are made.

MR. LEEDS: Thank you, Commissioner. This next question is very specific and I'll get into the specific question, but I'd be interested in answering it in a general term also. The specific question reads can you share your opinion for establishment of a World Nuclear Regulatory Commission. But I think in answering that question we also have to answer, what all the different world regulators do now to share information and work together.

COMMISSIONER MAGWOOD: This comes up quite a bit. And there's a young lady who may be here who -- she is here, a student from MIT who's thinking about this. And she asked me that question recently about is there a way that the world can have a more common approach to nuclear regulation.

I think the answer is we can't and let me talk about that for just a moment. I think that the legal traditions, the approaches in so many different countries are so different that having one regulator for the world is just not practical. And I also think that each country reserves onto itself the right and desire to manage nuclear safety the way it thinks best. I don't think it would be appropriate for an international organization to tell the Japanese how to run their plants. I don't think an international organization should tell us how to run our plants. So I don't think that a world approach is a good approach.

However, there are important mechanisms, the Commission on Nuclear Safety for one, NDEP for another. Things where regulators around the world meet and talk and compare notes. And of course, the RIC itself is a great example of how regulators come together to compare notes and then talk about common issues.

One of the things I find most gratifying about our conversations with RIC is that I've talked to regulators from around the world about the response they've had since the disaster in Japan, there's a huge amount of commonality. There are more similarities on how we've approached the post Fukushima era than differences. There are differences, but there are more commonalities. I think that shows the benefits of the kind of interactions that we've had over the years and the fact that we are talking and we are sharing and we are working together. I think that's probably the right answer and the right balance.

MR. LEEDS: Thank you. For your next question, the question reads due to the changing world economies, a lot of foreign companies are investing funds in the United States. Keeping this strategic change in mind, what is the NRC doing to revise the foreign ownership control and domination regulatory requirements?

COMMISSIONER MAGWOOD: Well, the NRC has asked itself that question. And that question is now something that we at the Commission will be wrestling with in the near future. So I don't want to comment on it. But I want to respond to the first part of the question which is that there is this interest of foreign

companies to do nuclear-related work in the United States. And I think that that does represent a change, a significant change in the way things used to be. It's not the way it was in the 1960s and '70s. This is a new world and a new era.

So it makes sense for us to ask ourselves that question. We are not blind to it. We are not deaf to it. So we will engage it and we will develop a response.

MR. LEEDS: Thank you. Commissioner, do you have any technical concerns with nuclear power plants operating beyond 60 years?

COMMISSIONER MAGWOOD: See Apostolakis' comment from yesterday.

(Laughter.)

Let me say this. I think this is one of the most important questions that I think the Commission will deal with over the next couple of years because it does raise some important issues. I think that we've always taken the position in the NRC that if something is safe today, there's little to say why it would be unsafe tomorrow. With that said, we are looking at some technical issues associated with aging, aging of concrete, aging of materials, aging of components. And that's something that we have to take

into close consideration as we go into this next step. But that's something that the Commission will be dealing with in the very near future. So I'll leave it at that.

MR. LEEDS: Thank you. Just a couple more questions, Commissioner. This first one, can you please advise on the path forward in the Commission's update to the waste confidence rule?

COMMISSIONER MAGWOOD: Well, only that we're on track this fall that the process on the waste confidence should be over. We've received all the public comments and we'll be in a position to move forward and to go forward with the licensing activities that were suspended while waste confidence was being sorted out.

I seriously doubt that's completely going to be the end of the story. I suspect we'll see more challenges to whatever conclusion we come up with, but I'm confident. The staff has done a very solid job. Our legal staff has looked at this very closely and I think we're on a good path to bring this to resolution and do it this fall.

MR. LEEDS: Thank you, sir. And one last final question. The issue of leakage of contaminated water from the Fukushima is a global issue. Is NRC

involved in any way with regard to taking action and helping the Japanese in this matter?

COMMISSIONER MAGWOOD: We work very closely with NRA. Commissioner Fuketa, I think has probably left by now, has been here, and has been meeting with many of us to talk about the current situation in Japan. We've committed to provide whatever advice and assistance that our colleagues in Japan request. And I think that we have engaged on a lot of these issues associated with the Fukushima plant, but I think it's also an area where the Japanese are fully aware of the challenges and well equipped to deal with it and they're trying a variety of different strategies to deal with the water issue. It's a very difficult issue, and I think it's an unprecedented issue. No other country has ever had to deal with a situation quite like this before. I think that it's to be expected there would be difficulties in bringing it to resolution, but I'm convinced that our friends in Japan are committed to solving that problem and to giving people reassurance that the issue of contamination leaving the Fukushima site will be resolved.

I want to echo Chairman Macfarlane's comments from yesterday that there's no evidence that

any leakage from the Fukushima site presents a hazard to the United States and I don't think it presents a hazard to even most countries in the region because of the dilution factor, but nevertheless, it's something that we will continue to watch very closely. Thank you very much.

MR. LEEDS: Thank you, Commissioner.

(Applause.)

Thank you so much, Commissioner.