

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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27<sup>TH</sup> ANNUAL REGULATORY INFORMATION CONFERENCE

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COMMISSIONER BARAN PLENARY

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WEDNESDAY

MARCH 11, 2015

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ROCKVILLE, MARYLAND

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The Commissioner Baran Plenary of the  
Regulatory Information Conference met at the Bethesda  
Marriott Hotel & Conference Center, 5701 Marinelli  
Road, Rockville, Maryland at 9:15 a.m.

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

9:13 a.m.

1  
2  
3 MR. SHERON: I think it's time to start.  
4 Good morning, welcome to the second day of the  
5 Regulatory Information Conference.

6 I'm Brian Sheron, the Director, Office of  
7 Nuclear Regulatory Research, and I want to welcome  
8 everyone again.

9 This morning, Commissioner Jeffery Baran  
10 will be speaking. He was sworn in as a Commissioner  
11 on January 2, 2015 to serve the remainder of a term  
12 ending June 30th, 2018. He was originally sworn in as  
13 a Commissioner on October 14, 2014 to a term ending July  
14 30, 2015.

15 Before coming to NRC, he worked on Capitol  
16 Hill for over a decade. He's originally from Chicago  
17 and the Commissioner earned a Bachelor and a Master's  
18 Degree in Political Science from Ohio University. He  
19 also holds a law degree from Harvard Law School, and  
20 most importantly, this is his first RIC.

21 So, with that, let's give a warm welcome  
22 to the Commissioner.

23 COMMISSIONER BARAN: Thanks, Brian.

24 Good morning. Hope everyone enjoyed the  
25 first day of the RIC and arrived ready for another full

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1 day of events.

2 I'm very happy to be here with all of you  
3 for my first RIC. And, as you might imagine, this being  
4 my first RIC, I got a lot of advice about my remarks  
5 today, and it is all, let me start by saying, it is  
6 genuinely appreciated.

7 Commissioner Svinicki encouraged me  
8 yesterday to seize day two for the RIC and make it my  
9 own. But how does one go about doing that?

10 Well, one former Commissioner told me that  
11 this is my one chance each year to be philosophical.  
12 On the other hand, someone else suggested that I avoid  
13 getting too ethereal. One person said it's important  
14 to make three main points, but another said I should  
15 really have a single major theme.

16 I've been told that I should demonstrate  
17 a deep understanding of the issues. I have been told  
18 that I shouldn't get too far into the weeds. A friend  
19 told me that it was important to somehow work Stairway  
20 to Heaven into this speech. I don't know what that's  
21 about, but consider that box checked.

22 My favorite piece of advice, though, came  
23 yesterday on my way home. On the Metro platform,  
24 someone told me, and this is a quote, have better jokes.  
25 I don't think that was anything negative towards any

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1 of the jokes from yesterday.

2 Well, our good friends in the news media  
3 have met that challenge. This morning, Politico  
4 actually provided me a joke for delivery today. Do you  
5 guys want to hear it? You've got to want it. Okay.  
6 All right, brace yourself.

7 What's the favorite food of a British  
8 physicist? Fission chips. All right. Please send  
9 all complaints about that joke to Darius Dixon care of  
10 Politico Pro.

11 This is all new to me, but my initial  
12 impression is that it seems to be a little bit like a  
13 nuclear safety prom. It's the big, once a year  
14 gathering where everyone's dressed up and excited to  
15 see each other and to catch up. There are fancy dinners  
16 and receptions, Kristine Svinicki told us that's she's  
17 fussing with her hair.

18 There's no dancing as far as I know, but  
19 there are four huge Jeff Baran heads on the screens  
20 behind, so that probably makes up for the lack of  
21 dancing.

22 For those of you who have been attending  
23 the RIC for years, I may be an unfamiliar face or an  
24 unfamiliar giant head on the screen, as the case may  
25 be. So, let me take a moment to briefly review myself.

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1           Many of you know that I am an attorney.  
2           Before joining the Commission in October, I worked for  
3           over a decade on Capitol Hill. During my first five  
4           years on The Hill, I served as counsel on the staff of  
5           the House of Representatives Oversight Committee where  
6           I worked on a range of issues including nuclear issues.

7           Beginning in 2009, I spent about six years  
8           working on the staff of the House of Representatives  
9           Energy and Commerce Committee, the House Committee with  
10          jurisdiction over NRC. One of my main responsibilities  
11          during that time was oversight of NRC and of nuclear  
12          energy and waste issues.

13          Over that 11 year period, I had a number  
14          of opportunities to work across the aisle to develop  
15          bipartisan legislation. I had the privilege of  
16          helping to negotiate bills that became law with broad  
17          bipartisan support including legislation on medical  
18          isotopes, pipeline safety, energy efficiency, and  
19          hydropower.

20          I think that legal and policymaking work  
21          was good preparation for my current role in the  
22          Commission. It is a great honor, a real honor, to serve  
23          as a member of the Commission and to work on issues  
24          important to our vital mission of protecting health,  
25          safety, and the environment.

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1 I am committed to bringing an open minded  
2 and thoughtful approach to the policymaking,  
3 rulemaking, and adjudicatory issues that come before  
4 us. I've truly enjoyed working with my fellow  
5 Commissioners these last few months. Collectively, we  
6 bring a wide range of experience and perspectives to  
7 our deliberations which I think is valuable. While  
8 there are only four of us on the Commission right now,  
9 we are all working very well together to get the work  
10 of the Commission done.

11 During my years on The Hill, closely  
12 following NRC's work, I benefitted from many briefings  
13 with NRC staff. I have long been impressed by their  
14 experience and dedication. Since I arrived in October,  
15 I, obviously, have had the opportunity to interact with  
16 many more NRC staff members and continue to be struck  
17 by the quality of the people who work at this agency.

18 After my confirmation in the fall, when I  
19 was beginning to staff my office, I looked within the  
20 NRC staff to assemble my team and I believe it is a  
21 terrific team. Amy Powell is my Chief of Staff,  
22 everyone, they're all like in the second row right  
23 there. If we had like a spotlight capability, that'd  
24 be great right now.

25 But Amy Powell is my Chief of Staff. Jody

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1 Martin is my legal counsel. Rob Krsek is my Reactors  
2 Technical Assistant and Raeann Shane is my Materials  
3 Technical Assistant. My Administrative Assistants  
4 are Renee Taylor and Stacy Schumann. I hope that you  
5 all have the opportunity to meet and talk with them this  
6 week.

7 During my years working for Congress, I  
8 also benefitted from many meetings with utility  
9 representatives and trade associations. On a number  
10 of occasions, I worked with these and other  
11 stakeholders to develop the consensus legislation I  
12 mentioned earlier. As a Commissioner, I look forward  
13 to continuing to build those relationships.

14 Since I arrived in October, I've made it  
15 a priority to begin visiting NRC regulated facilities  
16 including recent tours of Peach Bottom, Watts Bar and  
17 North Anna. I plan to head the Vogtle and Summer early  
18 this spring along with the Westinghouse facility in  
19 Columbia.

20 I've been impressed with the  
21 professionalism and knowledge demonstrated by the  
22 personnel at the nuclear plants I have visited and I  
23 look forward to visiting additional facilities in the  
24 near future. I thought I would use my remaining time  
25 this morning to share some of my initial impressions

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1 of NRC after five months on the job and give you a sense  
2 of what I see as likely areas of focus for the agency  
3 going forward. I also want to leave plenty of time for  
4 questions.

5 As many of you know from watching and  
6 working with the Commission through the years, we work  
7 on tough, complex issues and there are several  
8 important items currently in front of the Commission.  
9 As a general matter, I believe that we need to hear a  
10 wide range of perspectives from the staff, stakeholders  
11 and the public as we deliberate on these matters. I  
12 think we make the best decisions when we get input from  
13 a broad range of stakeholders.

14 First and foremost, we are always focused  
15 on our mission of protecting public health and safety.  
16 This priority governs all that we do. Currently, five  
17 new reactors are being built in the United States and  
18 five reactors recently ceased operations and are  
19 entering decommissioning. At the construction sites,  
20 NRC is conducting oversight to ensure that the new  
21 plants are built safely and in accordance with  
22 regulatory requirements.

23 With respect to decommissioning, the  
24 Commission recently directed the NRC staff to proceed  
25 with a rulemaking. Although the risk profile of a

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1 permanently shutdown reactor is very different than  
2 that of an operating reactor, NRC does not currently  
3 have regulations specifically tailored for permanently  
4 shutdown reactors.

5           Because of this gap in NRC's regulatory  
6 framework, licensees with reactors transitioning to  
7 decommissioning routinely seek exemptions from many of  
8 the regulations applicable to operating reactors.  
9 This approach of regulation by exemption is inefficient  
10 for both NRC and its licensees.

11           The exemption approach does not improve  
12 the stability and predictability of the licensing  
13 process and does not allow for effective public input  
14 or improve public understanding of the decommissioning  
15 process. So, I support the staff's effort to take a  
16 fresh look at these decommissioning issues.

17           We can benefit from the lessons learned  
18 from the recently shutdown plants and the closures in  
19 the 1990s, and there is real value in taking public  
20 comment on decommissioning issues that are of great  
21 interest to many stakeholders.

22           The agency, along with its licensees,  
23 continues to address post-Fukushima safety  
24 enhancements and lessons learned. The tsunami and  
25 resulting nuclear accident rightly caused NRC to take

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1 a fresh look at its assumptions and regulations.

2 Given the work that many of you have done  
3 directly on these initiatives, I'm sure you all know  
4 that substantial progress has been made in several  
5 areas. But I think we all recognize that more work  
6 remains to be done.

7 For example, FLEX mitigation equipment is  
8 now present at a number of plants around the country  
9 and two regional response centers are fully  
10 operational. Uniform connections for generators, pumps  
11 and hoses should provide tremendous flexibility in  
12 responding to future beyond design basis events.

13 However, many plants will not have all of  
14 their new mitigation capabilities in place until next  
15 year, and we still need to ensure that the new equipment  
16 can withstand the reevaluated seismic and flooding  
17 hazards at the sites where it may someday be needed.

18 Today marks four years since the Fukushima  
19 accident and we all need to maintain our focus on  
20 implementing the lessons learned from that tragedy in  
21 a timely way. We look forward to your insights,  
22 creativity and commitment as we all work to complete  
23 these essential efforts.

24 Security will continue to be a major focus  
25 of NRC's activities in the coming years. Cyber attacks

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1 and infiltrations remain an evolving and significant  
2 threat. Enforceable performance-based standards are  
3 already in place for nuclear reactors but we also need  
4 to make sure that we protect the digital systems at fuel  
5 cycle facilities as well.

6 The Commission is currently considering  
7 whether additional actions are appropriate in this  
8 area. If the Commission decides to initiate a  
9 rulemaking to enhance cybersecurity at fuel cycle  
10 facilities, I believe it is important that it be  
11 conducted and implemented expeditiously.

12 Cyber vulnerabilities at all NRC regulated  
13 facilities should be addressed in a timely way.

14 These are just a few of the issues that will  
15 continue to be priorities for NRC. For these and other  
16 issues, I believe we must continuously strive to be the  
17 gold standard in nuclear safety and security  
18 regulation.

19 That's not an accolade an agency earns one  
20 day and declares itself satisfied. We have to work  
21 tirelessly to further improve the way we do business  
22 in protecting the public health, safety and  
23 environment. That drive for excellence applies to  
24 another priority for the Commission, the continued  
25 improvement of our licensing process for new reactors

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1 and designs.

2 The Commission recently certified the  
3 ESBWR design and held an uncontested hearing for the  
4 combined license application for Fermi Unit 3. We  
5 expect to hold an uncontested hearing on at least one  
6 other combined license application in the coming  
7 months.

8 While NRC continues its work on pending  
9 applications for new reactors, we need to be ready to  
10 accept and review applications submitted for new  
11 technologies. The staff accepted the APR-1400 design  
12 certification application for review just last week.  
13 We are expecting to receive the first application for  
14 a small modular reactor design in 2016.

15 NRC already is reviewing an application  
16 for a new production facility for medical isotopes and  
17 anticipates additional applications of this type in the  
18 future.

19 I think we are well positioned to handle  
20 SMR and medical isotope production applications but  
21 we're always open to feedback on how our process is  
22 working.

23 Nevertheless, the agency faces a different  
24 environment than what was expected just a few years ago  
25 when substantial new reactor construction was

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1 anticipated and no licensees had yet announced plans  
2 to shutdown any reactors. To meet our responsibilities  
3 now and in the future, we need to enhance the  
4 efficiency, effectiveness and agility of the agency.  
5 In order to avoid disrupting the agency's work, it is  
6 important to set a thoughtful trajectory to the  
7 appropriate resource and staffing levels over the next  
8 few years. We need to make sure that we do a good job  
9 matching resources to expected workload.

10 Before I joined the Commission, my  
11 colleagues had the foresight to initiate Project Aim  
12 2020, an internal working group tasked with looking at  
13 the changes NRC should make to prepare for the future.  
14 I think you've all heard quite a bit about that in the  
15 last day or so.

16 This is a valuable and timely effort. We  
17 are actively deliberating on the recommendations of the  
18 Project Aim team and I expect that the Commission will  
19 approve some prudent actions in the near term.

20 Finally, I think we need a renewed focus  
21 on enhancing our transparency and openness with  
22 Congress, stakeholders and the broader public.  
23 Transparency and openness allow Congress to fulfill its  
24 important oversight function and the public to actively  
25 engage, participate in NRC's regulatory activities.

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1           As I said earlier, I think we make the best  
2 decisions when we hear from a diverse mix of  
3 stakeholders. That dialogue doesn't just help us to  
4 improve our communications about what we are doing, it  
5 actually helps us to make better decisions in the first  
6 place. It forces us to question our assumptions and  
7 to think creatively about new approaches to regulatory  
8 challenges.

9           Openness means sharing as much information  
10 as we can, describing the issues and the agency's work  
11 in understandable language and being open to the  
12 feedback that we receive. Our Congressional Oversight  
13 and Appropriations Committees are more interested than  
14 ever in NRC's mission and the way we are carrying out  
15 that mission.

16           I firmly believe that NRC can provide  
17 Congress with the information it needs to perform its  
18 oversight duties while preserving the independence  
19 that is essential to accomplishing our safety and  
20 security mission.

21           Once again, it's a pleasure to be here with  
22 all of you today and throughout the week. I look  
23 forward to meeting many of you during this conference  
24 and to seeing your facilities in the U.S. and abroad  
25 in the future.

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1 I'd be happy to answer any questions you  
2 may have. There's plenty of time for it.

3 Thank you.

4 MR. SHERON: Okay, well thank you. We  
5 have several questions here, so I'll start.

6 Given your experience on Capitol Hill and  
7 recent experience at NRC, what is it going to take to  
8 get our government to move forward in establishing a  
9 long term storage repository for used nuclear fuel?

10 COMMISSIONER BARAN: Wow, you guys are  
11 playing hardball. If I had the answer to that question  
12 --

13 Well, let me talk to you for a second about  
14 what we're doing now.

15 So, we had some appropriated funds from the  
16 Nuclear Waste Fund that the D.C. Circuit Court of  
17 Appeals instructed the NRC to expend. So, with those  
18 funds, the staff recently completed the Safety  
19 Evaluation Report that happened in January. With the  
20 funds we have remaining, the staff will work to  
21 supplement the Environmental Impact Statement,  
22 particularly on issues related to drinking water.

23 We're also going to -- we had the Licensing  
24 Support Network which housed all the documents for the  
25 proceedings and there should be funds available to

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1 transfer those and make them publically available on  
2 our ADAMS system.

3 There's also some lessons learned and kind  
4 of archiving activities that need to be done with  
5 respect to the Safety Evaluation Report and we believe  
6 there will be funds available for that as well.

7 So, the Commission recently decided that's  
8 the path forward with the funds we have remaining. And  
9 then really, I think it's a question not so much for  
10 NRC but for the Congress about whether or not it wants  
11 to appropriate additional funds for future activities.

12 Some preliminary staff estimates indicate  
13 that it would be, you know, north of \$300 million for  
14 just the NRC part of the adjudicatory piece of this.  
15 I mean, we have, I believe, 288 contentions that were  
16 filed and there could, of course, be additional  
17 contentions filed in the future if the adjudicatory  
18 proceedings were to be reopened, restarted.

19 So, that's obviously a really significant  
20 task working through that kind of work even if there  
21 is funding available to do it. And, frankly, I have  
22 real questions about whether that process would work  
23 unless we have an engaged applicant who's really  
24 committed to pursuing their application.

25 I mean this is an adversarial trial-like

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1 process before the Board. It would take considerable  
2 amount of effort to go through that process. And in  
3 the absence of an applicant who is not only the legal  
4 applicant, but an applicant who is interested in  
5 pursuing their application. I think that's a pretty  
6 challenging process.

7 MR. SHERON: Next question is, given your  
8 experience in the waste area, do you expect the NRC to  
9 issue Part 61 soon? When do you expect the SECY paper  
10 to be released?

11 COMMISSIONER BARAN: Is this a question  
12 from the staff who are working on Part 61? I bet this  
13 is.

14 So, this is something that's being  
15 actively deliberated on by the Commission, so I  
16 probably shouldn't say too much there. The staff's  
17 prepared a proposed rule and it's before the Commission  
18 for their review. They probably answered that question  
19 for everyone's satisfaction, I'm sure.

20 MR. SHERON: Okay. As a newcomer, you  
21 have an opportunity to change or at least influence the  
22 Commission's institutional culture. What are your  
23 thoughts in that regard? Is the culture all that it  
24 could be?

25 COMMISSIONER BARAN: Is the culture all

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1 that it could be?

2 Well, the Project Aim 2020 recommendations  
3 that we received suggested that, although the culture  
4 is good, it could be even better and I think that's  
5 probably always true, right, of, well, I guess you could  
6 have an organization that has a bad culture, but that's  
7 not what we have at NRC. We have a very good culture.  
8 I'm very impressed with our staff and their dedication.

9 One thing I think is important and, you  
10 know, cultural changes I don't think are ever really  
11 easy. But one thing I think going forward that is  
12 important, we heard a lot yesterday about efficiency  
13 and I think that is very important. But I think agility  
14 is really important as well.

15 I think if we look back five years ago and  
16 tried to predict the future, what is it going to look  
17 like in 2015? I don't think anyone really would have  
18 predicted the last five years for the nuclear sector.  
19 I don't think people would have predicted Fukushima and  
20 all the efforts that would go into responding to that.

21 I think with respect to NRC in particular,  
22 I don't think people would have anticipated their  
23 reduced number of new reactor applications that we have  
24 and how that's affected our workload.

25 So, I think there's never going to be

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1 perfect prediction about the future. We could try now  
2 and look at the next five years and say, what do we think  
3 it's going to look like in 2020? And we're almost  
4 certainly going to be at least a little bit wrong about  
5 that, maybe a lot wrong about that.

6 And so, what does that mean? I think it  
7 means, as an agency, we have to have the agility to be  
8 ready for whatever comes our way. We have our  
9 expectation about what, particularly in the licensing  
10 context, for example, what we're expecting. But we  
11 don't know for sure, there could be additional  
12 applications or some of the applications we're  
13 anticipating may not materialize.

14 So, we have to make sure we have the right  
15 skills at the agency and the ability to deploy those  
16 skill sets on whatever work we actually have in the  
17 coming years.

18 So, that's one element of kind of the  
19 culture or organization of the agency that I think's  
20 important.

21 MR. SHERON: The Courts have directed NRC  
22 to proceed with Yucca Mountain to the extent that it  
23 has funding. Will the Commission ask for funding to  
24 proceed with Yucca Mountain licensing?

25 COMMISSIONER BARAN: Well, so, a bit of

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1 history, so, for the fiscal year 2016 budget, I was not  
2 around for most of that budget formulation process. I  
3 came in at the tail end of that process, and for fiscal  
4 year 2016, the Commission did not request funds.

5 We are now, of course, just starting the  
6 fiscal year 2017 process. So, I don't want to make any  
7 predictions about what will happen there.

8 I, for one, just personally, do not think  
9 it makes sense for NRC to request those funds unless  
10 our applicant, the Department of Energy, is requesting  
11 funds and unless we get an indication that our applicant  
12 is interested in being engaged and pursuing their  
13 application.

14 I think in the absence of that, there's no  
15 amount of funding in the world that NRC could get that  
16 is going to get us through that adjudicatory process.

17 MR. SHERON: Okay. Being new at the NRC,  
18 you must have observations about the way in which the  
19 NRC functions that those who have been for a while do  
20 not. In what ways can the NRC be more agile in the  
21 future? What can it learn from other federal agencies  
22 and from regulators in other countries?

23 COMMISSIONER BARAN: Well, I think we  
24 could -- this is one of those questions that falls into  
25 the, you know doctoral dissertation category, I think.

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1 I think we can learn, and we do learn a lot,  
2 from our counterparts abroad. I think meetings like  
3 this and conferences like this are really valuable in  
4 that regard.

5 We, as Commissioners, spend a lot of our  
6 time during these days having bilateral conversations  
7 with our colleagues. And I, at least, and I think  
8 probably all of us, get a lot out of that.

9 I think we learn a lot from activities that  
10 are going on abroad. You know, we have four AP1000s  
11 being constructed here in the United States, but there  
12 are AP1000s being constructed in China. And I think  
13 we're getting a lot of good information from -- and  
14 lessons learned from the process over there.

15 So, on the international side of things,  
16 I think it's extraordinarily valuable. I think we have  
17 a lot to offer other nuclear regulatory bodies abroad  
18 and I think we have a lot to learn from them.  
19 And so I see it as a two way street and I think it's  
20 a really valuable relationship or set of relationships.

21 MR. SHERON: Okay. Having been involved  
22 in the legislative branch of government interfacing  
23 with the NRC, do you share the opinions of the majority  
24 of the Commissioners on rulings related to waste  
25 confidence, approval of new reactor builds and

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1 Fukushima actions?

2 COMMISSIONER BARAN: Wow, okay. So, this  
3 is more like a confirmation hearing type question. I  
4 thought we were through those.

5 Okay, what's our list? Continued  
6 storage. So, on continued storage, continued storage,  
7 my colleagues resolved that question just few months  
8 before I arrived and decided on an approach of having  
9 a generic Environmental Impact Statement and  
10 accompanying rule and moving away from the approach  
11 that had been used for some time on waste confidence  
12 findings.

13 And so, it got a nifty new name and we call  
14 it continued storage now and we have an actual  
15 Environmental Impact Statement as opposed to a set of  
16 findings.

17 So, I think that's a reasonable approach  
18 to responding to that Court decision that we got. And  
19 I think ultimately it's going to be, again, the Courts  
20 that decide whether that's an adequate approach.

21 What else is on the list?

22 MR. SHERON: It was new reactors and  
23 Fukushima actions.

24 COMMISSIONER BARAN: New reactors.  
25 Well, right before I arrived, my colleagues had

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1 approved the ESBWR. I wasn't here for that and I was  
2 here, though, for Firma Unit 3 for the uncontested  
3 hearing for that. And we'll be deliberating on Firma  
4 Unit 3 which, of course, is an ESBWR or would be.

5 So, folks will know what I think about that  
6 in the near term, but we're actively deliberating on  
7 that.

8 What's next? You had a long list.

9 MR. SHERON: It was new reactors and then  
10 Fukushima actions.

11 COMMISSIONER BARAN: Fukushima actions.  
12 Well, so, as I mentioned in my remarks, I think it's  
13 clear that a lot of progress has been made in a lot of  
14 areas, but we're also still implementing in those areas  
15 and I think the way the Commission organized our work  
16 in that area made a lot of sense.

17 So tiering it by both the combination of  
18 urgency but also our ability to actually do what needs  
19 to be done in those areas in terms of whether there's  
20 additional research needed. I think, you know, having  
21 tiers one, two and three makes sense.

22 We've worked out way through, or they  
23 worked their way through, a lot of that work and now  
24 we're really, for a lot of that work, in the  
25 implementation stage.

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1           And so, I think as we go on that, there are  
2 going to be bumps in the road. We, you have, have had  
3 seismic reevaluations done. We're in the stage now of  
4 a lot of some folks screened in, some folks screened  
5 out and we have seismic PRAs that are going to be going  
6 on for some time.

7           On flooding, the process there, I think,  
8 has been a little bit slower and that's a challenge that  
9 the Commission is currently wrestling with. We have  
10 a paper in front of us on the flooding approach.

11           But I think there too, there's going to be  
12 a way forward that both gets the necessary analysis  
13 done, make sure that our plants are ready on the  
14 flooding side of things to protect and to mitigate  
15 anything that does happen, but also to provide some  
16 clarity to folks going forward about what that process  
17 is going to look like.

18           And, you know, in some of these multiyear  
19 processes, you know, they get started and it's not  
20 always apparent to everyone at the very beginning how  
21 it's all going to look and play out over those years.

22           So, I think it's good for the Commission  
23 to revisit these things and to provide additional  
24 guidance and clarity about the path forward.

25           MR. SHERON: You mentioned making better

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1 decisions through better public participation. What  
2 could the NRC do to better engage with the public?

3 COMMISSIONER BARAN: Well, that's a tough  
4 question. You really called me on it. I can't just  
5 say we should do a better job engaging, I've got to say  
6 something about what we should do and how we should do  
7 it, I guess.

8 I think, my sense from watching NRC over  
9 the years and but not being at NRC over the years, is  
10 that we could do better a lot of times on the  
11 communication front.

12 And I can tell a little bit of a story about  
13 this. When I was interviewing, I guess this was back  
14 in September, I was interviewing for my staff and I  
15 think everyone I interviewed was from NRC. And I did  
16 probably a couple dozen interviews.

17 And one of the questions I would ask folks  
18 is, just to kind of see how they thought about things  
19 and what they came up with was, you know, is there  
20 something that you think the agency does really well?  
21 And is there something that you think the agency could  
22 improve at?

23 And I thought I'd get a variety of answers.  
24 People obviously approach things differently; they  
25 come up with different things. But I got almost the

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1 exact same answer from every single person I talked to.  
2 I mean there were a couple outliers, I won't name names  
3 on that. But almost everyone told me the same thing.

4 And what they said is, NRC and the staff  
5 are technically extremely capable. And people would  
6 say they've never worked at a place where the caliber  
7 of the technical staff is as good as it is at NRC. After  
8 my five months here, I think that's right. My  
9 experience bears that out.

10 But they also said, almost to a person, we  
11 could do better communicating with the public about  
12 what we do.

13 And so, I was struck by that even before  
14 I arrived here on day one. It was, you know, kind of  
15 a pre-arrival. And I think that's true. You know, I  
16 think part of it goes to being as clear in our language  
17 as we can.

18 You know, we deal with highly technical  
19 issues, complex issues and we're used to, I think,  
20 frequently engaging with folks who have a long history  
21 on those issues and have a lot of technical expertise  
22 on those issues. And sometimes I think the language  
23 can get a little bit impenetrable. And so, I think  
24 that's one thing we can do.

25 It's not easy, you know, because you all

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1 develop shorthands over time for things and acronyms  
2 and all that stuff. And there are inherently technical  
3 and complex issues in many cases and you have to address  
4 them in that way.

5 But I think that's one thing we can do, to  
6 be conscious of that when we put out a document, you  
7 know, and it's on ADAMS and it's publically available.  
8 You know, can we make it as readable as possible to  
9 someone who is a concerned stakeholder who may not have  
10 an engineering degree or a PhD in the relevant technical  
11 field but is interested and wants to understand what  
12 we're doing?

13 And I think that's the kind of thing that  
14 every time we're writing one of those documents we  
15 should be thinking about. And some documents are going  
16 to be more difficult to digest than others, but that's  
17 a start.

18 And then I think, and I do, you know, we  
19 saw a video about this yesterday, and I think the agency  
20 could be variable on this, but we've had lots of  
21 stakeholder meetings. We've had meetings with the  
22 public and those are extremely important.

23 We have to make sure we're doing a good job.  
24 And I'm not saying that we aren't now, but do a good  
25 job, truly listening to what we're hearing and respond

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1 to that feedback and learn from what we're hearing  
2 because people want a sense, I think, that they're  
3 genuinely being heard, that they're not just getting  
4 an opportunity to stand up and talk for a minute, but  
5 that what they're saying is being listened to and  
6 considered in the process.

7 And so, that's not something you either do  
8 or don't do. It's a spectrum and you just try to get  
9 better and better at that as you go.

10 ME. SHERON: Okay. Okay, now we're going  
11 to continue with your confirmation hearing.

12 COMMISSIONER BARAN: Yes, Senator, what  
13 is your question?

14 MR. SHERON: Do you think Congress is  
15 poised to pass legislation to modify the Nuclear Waste  
16 Policy Act and incorporate the Blue Ribbon Commission  
17 recommendations?

18 COMMISSIONER BARAN: Well, having worked  
19 on Capitol Hill for 11 years, I am always reluctant to  
20 say Congress is poised to do anything. It's a  
21 wonderful institution; I loved working there for many  
22 years.

23 Well, there's clearly a lot of interest in  
24 it. I mean it's, you know, for the reasons we kind of  
25 discussed, high level waste, it can be a pretty

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1       intractable policy and political issue in this country.  
2       And that makes it tough for Congress to act, I think.

3               But I think it's good that there's a real  
4       conversation going on about that because, obviously,  
5       we need a solution there. And when my colleagues and  
6       I recently testified in the Senate before the  
7       Appropriations Committee, I'd say about half the time  
8       was spent talking about these waste issues which are  
9       good.

10              And there's interest in finding a path for  
11       consolidated interim storage among some members and  
12       there's interest in focusing on Blue Ribbon Commission  
13       recommendations that aren't related to interim  
14       storage. There's also a lot of interest still on The  
15       Hill in just proceeding with Yucca Mountain.

16              And so, whether the members of the House  
17       and the Senate can come to some kind of compromise on  
18       all that, I don't know. But it's good that the  
19       conversation's happening. It's good that they're  
20       actively getting additional information on the issues.

21              They're tough issues, obviously, or we  
22       would have resolved it by now and that's an area where  
23       I think we can learn a lot from our colleagues abroad.  
24       And that was part of, I think what the Blue Ribbon  
25       Commission found when they did their work is that there

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1 are some innovative things going on in other countries  
2 that we should be aware of.

3 But, you know, I'm also struck that when  
4 I have meetings and we have meetings with our  
5 international counterparts this week, we'll hear that  
6 we're not the only country that's struggling with this,  
7 it's a tough problem. It's been a tough problem since  
8 really the founding of the Nuclear Regulatory  
9 Commission.

10 So, Congress could surprise us and have a  
11 really good year and resolve this and that would be  
12 terrific because I think ultimately, it is for Congress  
13 and the President to resolve. These are the big policy  
14 questions and we have a law on the books right now and  
15 that is the Nuclear Waste Policy Act and that is the  
16 law that the NRC will implement.

17 But when it comes to the question of should  
18 changes be made to that? Should we go in another  
19 direction? That is a question for Congress.

20 MR. SHERON: Okay. This one's obviously  
21 from Eric Leeds. What are your top three goals as a  
22 Commissioner?

23 COMMISSIONER BARAN: Top three goals?  
24 Well, I get -- this is a question not quite that precise  
25 that I've gotten often. You know, people ask I think

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1 generally, you know, new Commissioners, what are your  
2 goals? What's your agenda?

3 And what I tell everyone, because it's  
4 true, and is that I didn't come here with a long list,  
5 a to-do list, personal agenda.

6 My approach is -- my focus is to just really  
7 ensure nuclear safety in a balanced and thoughtful way  
8 and I want to be open minded about the issues that come  
9 before us.

10 I mean we get a steady stream of really  
11 interesting and sometimes tough policy and rulemaking  
12 and adjudicatory issues, and some of my colleagues  
13 referenced that. It's just the conveyor belt of these  
14 things that you deal with.

15 And my own view is it's just important to  
16 approach each of those with an open mind which is easier  
17 to do at the beginning, you know, of a tenure than after  
18 you've actually voted on things and have kind of a track  
19 record and views on certain issues.

20 So, I'm in a great spot right now where I  
21 can look at things with a fresh pair of eyes and just  
22 think them through on the merits as they come.

23 MR. SHERON: Okay. What do you think  
24 about the WCS announcement about the spent nuclear fuel  
25 interim storage in Texas? Can we get this done?

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1                   COMMISSIONER BARAN:     I'm detecting a  
2 theme.

3                   Well, it's, you know, this was one of this  
4 - so far, we've received a letter from WCS that's  
5 basically a Letter of Intent to file an application for  
6 a freestanding dry cask storage facility in Texas and  
7 they expect to provide that application to us next year.

8  
9                   So, obviously, we need to wait for that  
10 application and review it. We can't make decisions  
11 about it before that.

12                   But, in terms of what the specific business  
13 plan is, you know, associated with that, obviously WCS  
14 is the right organization to ask about that. But then,  
15 that does get you into the questions about is it  
16 something that requires any change to the Nuclear Waste  
17 Policy Act? Is it something that requires  
18 appropriations for the Department of Energy to contract  
19 with WCS?

20                   And so, those, I think that pretty quickly  
21 gets us back into issues that relate to Congress.  
22 There's a piece of this obviously, the licensing piece,  
23 that relates and is in the purview of the Commission.  
24 But I think they're potentially, depending on the  
25 application and the business plan may involve things,

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1 you know, beyond the Commission.

2 MR. SHERON: I guess this person really  
3 wasn't aware, they said with two attorneys on the  
4 Commission, but it's really with three attorneys on the  
5 Commission, do you see more emphasis on legal issues  
6 rather than technical issues?

7 COMMISSIONER BARAN: No, I don't think so.  
8 I think it's -- I guess it's true that we now have  
9 temporarily a majority of lawyers, although I never  
10 think of Bill Ostendorff that way. Not because he's  
11 not a brilliant lawyer, but because the guy was a  
12 nuclear submarine captain and that's how I think of him.  
13 So, I don't really count him on the lawyer side.

14 But, I think it's great. I mean I think,  
15 well, obviously I think it's great that we have a couple  
16 lawyers, Steven Burns probably thinks it's great, too.

17 I think it's good. I think it's really  
18 important to have a good mix on the Commission because  
19 we get -- some of the issues are really technical. A  
20 lot of the issues are not as technical, they're really  
21 more management issues or policy issues that are about  
22 setting priorities or other things that don't get into  
23 the technical weeds.

24 And then we also have a chunk of our work  
25 that is adjudicatory and where I think it, I hope, that,

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1 you know, having lawyers is helpful and contributes to  
2 our deliberations there.

3 I don't want to make it sound like the  
4 Commission is entirely a reactive body because we're  
5 not. But we do get papers that come up from the staff  
6 and we make these decisions as they come. And we  
7 obviously don't control who decides to appeal a ruling  
8 of the ASLB to us.

9 So, I think that generally speaking, most  
10 of our workload in that way is kind of brought to us  
11 by others.

12 But I think it's -- I, for one at least,  
13 think it's valuable and I think just in my five months  
14 I've felt that to have folks with different backgrounds  
15 and different areas of experience and expertise.  
16 Because when you have a decision making body of five  
17 people, or four right now, I think that's really  
18 valuable.

19 Because, I mean the whole premise I think  
20 behind the Commission structure for decision making is  
21 that you bring different people together and they have  
22 different experiences and they have conversations and  
23 negotiations and debate about what the right answer is.  
24 And I think having four or five people who are all clones  
25 of one another really kind of defeats the purpose of

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1 that. Having people with different perspectives and  
2 different backgrounds, I think makes that model work  
3 even better.

4 MR. SHERON: Okay. What do you think of  
5 small modular reactors and their chances for deployment  
6 in the U.S.?

7 COMMISSIONER BARAN: Well, so, we're  
8 going to find out the answer to that question. We're  
9 expecting, you know, our first application for a design  
10 certification next year. And I think, as I mentioned  
11 in my remarks, I think the Commission's been pushing  
12 as an agency has been pretty forward leaning in this  
13 regard.

14 We are working on design specific review  
15 standards so that we're ready to review specific  
16 applications and that process is ongoing for the  
17 application we're expecting next year.

18 And we're also -- the staff has been, this  
19 is something they were doing before I arrived and I  
20 think are continuing to do, think through sometimes  
21 with at least the knowledge of the Commission but also,  
22 in some cases, with their input about what are the  
23 potentially novel issues associated with SMRs and how  
24 we can resolve those?

25 How we're going to resolve control room

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1 staffing issues or fee issues, emergency planning  
2 issues, the issues that are going to be a little  
3 different, potentially, or a lot different for small  
4 modular reactors than for the larger light water  
5 reactors?

6 So, I think, though, my sense is, and we  
7 did have a Commission meeting on this and I've had, you  
8 know, additional briefings and conversations about it,  
9 I think we're well positioned as an agency to review  
10 applications like the one we're expecting next year and  
11 it's something we're going to have to stay on top of  
12 and it's something where, once again, if, you know, we  
13 should be ready and to do it in a timely way and if there  
14 are hiccups, you know, we want to hear about those.

15 MR. SHERON: Okay. A lot of public  
16 opposition to nuclear power seems to be based on an  
17 almost irrational and certainly uninformed level of  
18 fear. What can and should we do about this?

19 COMMISSIONER BARAN: Well, for the  
20 Nuclear Regulatory Commission, which is really an  
21 agency focused on safety, obviously the most important  
22 thing we could do is make sure that the plants operating  
23 in this country are safe.

24 And to the extent there is information that  
25 we, as an agency, have that the public should know

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1 about, we should make sure we are clearly communicating  
2 that.

3 But on the, you know, kind of the flip side  
4 of that, of course, that's our job. That's clearly  
5 within our purview and it's absolutely what we should  
6 be doing.

7 You know, it's not also not our job,  
8 though, to promote nuclear power. That's someone  
9 else's job, the Department of Energy, the industry.  
10 Our job is to ensure safety and security and I think  
11 the best way for us to affect the views about nuclear  
12 power is to do that job very well.

13 MR. SHERON: Okay. This one is, do you  
14 have any concerns over staff safety at public meetings  
15 where there are very aggressive outside groups? For  
16 example, what occurred at the recent Vermont Yankee  
17 decommissioning public meeting.

18 COMMISSIONER BARAN: Well, I haven't  
19 heard anyone bring concerns of staff safety to the  
20 Commission. But I think there was in the most recent  
21 meeting in Vermont actually, went pretty well from the  
22 feedback I heard.

23 You know, these can be emotional issues for  
24 people and but we obviously need to keep the lines of  
25 communication open. And it's important that people

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1 who participate, obviously, have the opportunity to  
2 express their views as strongly as they want to express  
3 them, but being conscious of the safety and rights of  
4 others.

5 And I think that can be tough but I also  
6 haven't heard anyone suggest that we should do anything  
7 other than continue to do those types of meetings and  
8 make sure that we're engaging with the public on issues  
9 that people care about.

10 MR. SHERON: Okay. Looking at my clock  
11 here, I think your confirmation hearing is over.

12 COMMISSIONER BARAN: Well, thank you.

13 MR. SHERON: But, anyway, I want to --

14 COMMISSIONER BARAN: You are like  
15 Congress.

16 MR. SHERON: But, anyway, thank you very  
17 much.

18 COMMISSIONER BARAN: Thank you.

19 MR. SHERON: Okay, thank you. I think we  
20 now are scheduled for a break until 10:30.

21 (Whereupon, the above-entitled matter  
22 went off the record at 9:58 a.m.)

23

24

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