

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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28th ANNUAL REGULATORY INFORMATION CONFERENCE

OPENING SESSION WITH KEYNOTE SPEAKER

CHAIRMAN STEPHEN BURNS

+ + + + +

TUESDAY,

MARCH 8, 2016

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ROCKVILLE, MARYLAND

+ + + + +

The Regulatory Information Conference met
in the Grand Ballroom at the Bethesda North Marriott
Hotel & Conference Center, 5701 Marinelli Road,
Rockville, Maryland, at 8:30 a.m., William M. Dean and
Michael F. Weber, facilitators, presiding.

COMMISSION MEMBERS:

STEPHEN G. BURNS, Chairman

JEFF BARAN

WILLIAM C. OSTENDORFF

KRISTINE L. SVINICKI

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ALSO PRESENT:

WILLIAM M. DEAN, Director, Office of Nuclear Reactor
Regulations

VICTOR M. McCREE, Executive Director of Operations,
Nuclear Regulatory Commission

MICHAEL F. WEBER, Director, Office of Nuclear
Regulatory Research

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P R O C E E D I N G S

8:31 a.m.

1
2
3 MR. DEAN: Good morning and welcome to
4 the 28th Annual Regulatory Information Conference
5 or as the National Football League would call it
6 RIC XXVIII.

7 My name is Bill Dean and I'm the
8 Director of the Office of Nuclear Reactor
9 Regulation. It's a great honor to be with you here
10 today and have the opportunity to welcome you on
11 behalf of the U.S. Nuclear Regulatory Commission.

12 My office along with the Office of
13 Nuclear Regulatory Research led by Mike Weber are
14 co-sponsors of this event. We work closely with
15 all the other NRC offices to put together what I
16 hope you will find to be a comprehensive and dynamic
17 agenda over the next two and a half days.

18 I would like to start by asking for a
19 round of applause to thank the Joint Armed Forces
20 Honor Guard from the military District of
21 Washington for joining us this morning and for
22 Milton Valentin of the NRC for a great rendition
23 of the National Anthem.

24 (Applause)

25 The RIC is the largest meeting hosted

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1 by the NRC. The goal of the RIC is to provide an
2 opportunity for informal open dialogue amongst all
3 the stakeholders involved with the nuclear
4 community to learn, share and discuss information
5 on significant and emergent issues.

6 This includes both the domestic and
7 international nuclear community. I would note
8 that out of over 2800 attendees this year we have
9 approximately 230 international guests that are
10 participating representing 33 countries.

11 I would like to recognize not only our
12 international attendees, but all of you who are
13 taking the time to participate in the RIC this week.
14 This includes several distinguished attendees who
15 are here with us this morning, not that I have seen
16 all of them, but I have heard they're here. Former
17 Chairman Nils Diaz and Richard Meserve, former
18 Commissioners Kenneth Rogers, Jeffrey Merrifield,
19 George Apostolakis, and William Magwood who is
20 currently serving as the Director General of the
21 Nuclear Energy Agency, and our previous Executive
22 Director for Operations Mark Satorius.

23 As I think of these names, I think about
24 for example the Jedi Knights that you hear about
25 in Star Wars. I'm wondering how many people have

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1 actually seen the new Star Wars movie.

2 (Show of hands)

3 Okay. It was a pretty good movie. I
4 saw it the other night. And when I came out of
5 there, I bumped into this physicist. He said to
6 me, "May mass times acceleration be with you." I
7 didn't know what that meant.

8 (Laughter)

9 This year's conference features several
10 distinguished speakers. At the opening of the RIC, we
11 will hear a keynote address from Chairman Stephen Burns
12 followed by remarks from our newly appointed Executive
13 Director for Operations Victor McCree.

14 Later today, you will also have an
15 opportunity to hear from Commissioners Kristine
16 Svinicki and William Ostendorff who will be conducting
17 his last RIC speech given that he has planned to leave
18 the agency at the end of June. On Wednesday morning,
19 we will begin the day with remarks from Commissioner
20 Jeff Baran.

21 This year the technical program consists of
22 38 technical sessions with participation from experts
23 from across the agency as well as from industry,
24 academia, nongovernmental organizations and
25 international organizations. The sessions offer a

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1 variety of topics including significant domestic and
2 international issues associated with operating
3 reactors, new and advanced reactors, fuel cycle
4 facilities, spent fuel, nuclear security and safety
5 research initiatives.

6 There are two sessions that I want to
7 highlight, the first being 25 Years of NRC's Principles
8 of Good Regulation. In this session, you will learn
9 what prompted the agency to develop the NRC's Principles
10 of Good Regulation back in 1991 and how they have been
11 applied by the NRC over the subsequent 25 years.

12 The second is entitled Proactive
13 Initiative, Project Aim. In this session, panelists
14 will share diverse perspectives on proactive
15 initiatives by both the NRC and industry that are
16 designed to streamline regulatory processes and
17 optimize the cost of producing nuclear power while
18 ensuring and maintaining safe operation.

19 This year the RIC is also featuring 23
20 technical posters and table top exhibits on display
21 throughout the conference spaces. Topics include
22 significant regulatory issues, important research
23 findings and other items of interest. Each morning
24 before the program begins, during all breaks and over
25 lunch, the subject matter experts will be there to

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1 present and engage with you in discussions relevant to
2 their areas of expertise.

3 A tradition for the RIC is the tours of the
4 NRC's Operation Center. These are quite popular and
5 this year is no exception. All five of the tours that
6 we have scheduled are currently full at this point. But
7 to show that we are a learning organization, we have
8 heeded the advice of tour participants from prior RICs
9 and have made some improvements to the way the
10 participants are processed through security.

11 This year there is a tour registration desk
12 located outside the White Flint Amphitheater which is
13 down the stairs on west end of the building. The tour
14 assistants there will handle all arrangements for
15 security. If you want to cancel or try and join an
16 existing tour if spaces become available, also you may
17 be able to do that at that registration desk.

18 We do get cancellations. So if you want to
19 be on standby, I ask that you arrive 15 minutes prior
20 to the tour's start time to check for availability.

21 By the way, what did one Uranium-238
22 nucleus say to the other Uranium-238 nucleus? Got to
23 split. Okay.

24 (Laughter)

25 So what's new and different? We're always

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1 looking to improve the RIC and this year is no exception.
2 For example, instead of featuring the NRC Factoids as
3 we have in the past, we are featuring a compilation of
4 videos showcasing memorable moments in NRC history as
5 a reflection of how we can learn from our past and use
6 milestone moments in history to shape our future.
7 These videos are being shown on the session room screens
8 and overflow monitors during the conference and are also
9 available on CD at the Office of Public Affairs and
10 Knowledge Management tables.

11 We will once again be live tweeting
12 selections from various sessions. These live tweets
13 will be displayed on the overflow monitors intermingled
14 with the videos.

15 At this point, I'm going to take a moment
16 and post the first live tweet of the conference. By the
17 way I have four followers so far, my wife and my three
18 daughters.

19 (Laughter)

20 Okay, 138 characters. I have two to spare.
21 So that should be posted. In our continuing effort to
22 go green, we're now completely electronic with the
23 evaluation feedback forms. So no longer will you see
24 paper copies in the technical session rooms.
25 You can let us know what you think of the session by

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1 scanning the QR code posted outside each session room
2 or utilizing the walk-up kiosks that are available on
3 site or accessing the links on the RIC website.

4 You also notice that there are no longer
5 standing microphones in technical sessions. These
6 microphones were rarely used as the vast majority of
7 questions came from the written cards. Therefore, all
8 questions will be submitted by the way of the written
9 cards for this RIC.

10 I also want to mention that we will no
11 longer be collecting unanswered questions for response
12 and posting to the RIC website later. This was a very
13 time-consuming process for us. But we had very few
14 people access these on the web. As a result, we have
15 attempted to build more an opportunity for Q&A into the
16 sessions themselves so we can answer more questions
17 live.

18 Who's forgotten their cell phone charger?
19 Everyone brought their cell phone charger. I don't
20 believe that. Well, we've got it covered. As a
21 courtesy to our participants, there is a small cell
22 phone charging station available for your use located
23 at the bottom of the stairs on the west side of the
24 building on the lower level next to the internet and
25 print center.

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1 You may see me squinting a little bit
2 because the lights are a big bright up here. So I just
3 wanted to ask. Do you know where bad light ends up? In
4 prism. Okay.

5 (Laughter)

6 All right. Some general information.
7 Safety and security are paramount to the NRC and this
8 holds true for the participants here today. As has
9 become standard practice, you will see that the
10 following safety measures are in place: security bag
11 checks during each entry into the conference space,
12 emergency contact cards provided during registration.
13 I filled mine out. So I hope you did, too.

14 We will have Montgomery County Police and
15 K-9 officers on property during conference hours. And
16 as a general reminder, participants will want to visibly
17 display your name badge for the duration of the
18 conference. You should do as I say and not as I do.
19 Report any suspicious activity to the security staff or
20 the registration service desk and be aware of the fire
21 exits which are located on the sides and the back of
22 every room. In case of fire, please proceed calmly to
23 the nearest emergency exit and await further
24 instruction.

25 Based on registration information, a

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1 number of session rooms will be at maximum capacity for
2 seating. In addition with the gorgeous weather that we
3 are expecting this week, you may want to make
4 reservations for the patio seats outside.

5 We encourage you to make your way to your
6 session rooms early as sessions are filled on a first
7 come, first served basis. Volunteers will assist with
8 seating to ensure that all seats are filled. In
9 accordance with fire marshal regulations, once the room
10 are filled to capacity, participants will be directed
11 to other sessions.

12 I will note that the session on Thursday
13 morning that I'm facilitating on Fukushima Road to
14 Closure is one of the most popular sessions this week
15 which is no surprise obviously. So get there early if
16 you want to get a seat.

17 As a reminder at the conclusion of a
18 session, we request that participants exit the session
19 rooms and engage in networking with your colleagues
20 outside of the session room so that the rooms can be changed
21 in a quick and efficient manner.

22 A programming note. Today we started at
23 8:30 a.m. I just wanted to remind you that tomorrow
24 morning the sessions begin at 9:15 a.m. with
25 Commissioner Jeff Baran.

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1 The planning to execute a conference of
2 this magnitude requires the hard work and dedication of
3 a lot of people. This includes both NRC staff and
4 support we have received from contractors.

5 From the NRC, I would like to recognize a
6 number of people. First of all, Lorna Kipfer and Bren
7 Warren who are the Project Managers for the RIC and
8 basically begin planning for the RIC the day the RIC ends
9 for the following year. They do a wonderful job and
10 really are quite dedicated to this activity.

11 Out of the Office of Administration, the
12 Multi-Media branch provide VTC, webstreaming and
13 photographic services. The Publications Branch
14 produce this beautiful program and other materials for
15 the RIC. This is the first time we've done this
16 in-house and we didn't even need Project Aim to come up
17 with this efficiency initiative.

18 All of the NRC staff serve as volunteers at
19 the registration desk and the technical sessions and
20 many other capacities. We would not conduct the RIC
21 effectively without their support.

22 And finally from the NRC, the Technical
23 Committee which was led by Meena Khanna from my office
24 and Scott Elkins from the Office of Nuclear Regulatory
25 Research. They did a lot of great work working with a

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1 number of individuals to help pull this week's agenda
2 together.

3 For the contractor organizations, I want to
4 recognize and foremost the Bethesda North Marriott for
5 their partnership with us in hosting this event in such
6 a great facility, LEED Management Consulting
7 Incorporated and Synergy Enterprises Incorporated for
8 their planning, logistical and IT expertise and BAV
9 Audio Visual Services for their flawless execution of
10 everything audio visual. The talents of these folks
11 and many others, too, help me the RIC a success.

12 Before I introduce our keynote speaker, I
13 do want to leave you with one thought. There are ten
14 kinds of people in this world, those who understand
15 binary and those who don't.

16 (Laughter)

17 And tell the person next to you if they
18 didn't get that.

19 I'd now like to introduce to you somebody
20 who does understand binary and lots of regulatory stuff,
21 too. The Honorable Stephen G. Burns was sworn in as a
22 Commissioner of the U.S. Nuclear Regulatory Commission
23 November 5, 2014 to a term ending June 30, 2019.
24 President Obama designated Mr. Burns as the 16th
25 Chairman of the NRC effective January 1, 2015.

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1 Chairman Burns has had a distinguished
2 career within the NRC and internationally.
3 Immediately prior to rejoining the NRC, Chairman Burns
4 was the head of Legal Affairs for the Nuclear Energy
5 Agency of the Organization for Economic Cooperation and
6 Development in Paris from 2012 to 2014.

7 Prior to assuming his post at the NEA,
8 Chairman Burns was a career employee at the NRC from 1978
9 to 2012. Chairman Burns served in a variety of roles
10 during his career including being appointed as the NRC's
11 General Counsel from May 2009 until April 2012. Also
12 of note, Chairman Burns was the Executive Assistant to
13 former NRC Chairman Kenneth M. Carr and the Director of
14 the Office of Commission Appellate Adjudication.

15 Chairman Burns received his JD degree in
16 1978 from The George Washington University in
17 Washington, D.C. and his bachelors of arts degree in
18 1975 from Colgate University in Hamilton, New York.

19 I present to you Chairman Stephen Burns.

20 (Applause)

21 CHAIRMAN BURNS: Well, thanks Bill. I'll
22 try not to do any physics jokes or whatever, not in my
23 training. But in any event, William Shakespeare wrote
24 "What is past is prolog." Yogi Berra, a baseball player
25 and philosopher, is credited with saying, "It's *deja vu*

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1 all over again." And both might agree that you need to
2 learn from history or be doomed to repeat it.

3 Good morning. I'm pleased to be speaking to
4 you at my second RIC as Chairman of the NRC. I want to
5 welcome my colleagues, my fellow Commissioners, members
6 of the public and distinguished national and
7 international guests who are here with us today.

8 As Bill noted, I joined the NRC in 1978 as
9 a newly minted attorney. And today some 38 years later
10 I'm speaking to you as an older, hopefully wiser and
11 certainly grayer Chairman of the agency. And I want to
12 take a few minutes today to reflect on where NRC was in
13 1978 and where it is today in 2016. And I'd like to
14 project a bit where we will be in 2017 and a little
15 beyond, particularly as it relates to how NRC regulates
16 in an increasingly risk adverse world.

17 Let me start by reminding you about what
18 1978 was like or at least what I remember. Dallas won
19 the Super Bowl, Commissioner Ostendorff. The New York
20 Yankees won the World Series. And the Washington
21 Bullets won the NBA championship.

22 Sony introduced the Walkman. And the
23 first test tube baby was born in London. The upgraded
24 Apple II came out with a 5-1/4 inch floppy disk. I found
25 a few of those when I was unpacking my things. And a

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1 first class stamp here in the U.S. only cost 13 cents.

2 Sweden banned aerosol sprays. Fantasy
3 Island premiered on ABC. And now Senator Diane
4 Feinstein became the San Francisco's first female
5 mayor.

6 It was also an interesting year for NRC.
7 Some of you may remember that NRC Headquarters staff
8 worked out of a dozen office locations in Maryland and
9 D.C. We had a shuttle service that went all over. And
10 the Commission offices were located downtown on H Street
11 a couple of blocks from the White House in a building
12 that Tom Wellock, our historian, tells me was capable
13 of surviving an atomic bomb. I find that hard to
14 believe.

15 There were 70 reactors licensed to operate
16 in the United States and 88 had construction permits
17 with more announced or in various stages of the NRC
18 licensing process. That would have represented about
19 200,000 megawatts of capacity if all had been completed.
20 As you know, many were not.

21 Public Service Electric and Gas of New
22 Jersey deferred construction on a floating nuclear
23 power plant off the Jersey coast. And the DOE's Task
24 Force on Nuclear Waste Management estimated that the
25 earliest date for operating a high level waste

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1 repository would be 1988, not 1985.

2 Thanks again to Tom Wellock for this
3 information on our history.

4 Today, of course, we have a consolidated
5 headquarters complex across the street by the White
6 Flint Metro station. There are 100 operating reactors
7 with a few more anticipated in the next few years. And
8 we well know that the path forward for high level waste
9 is indeed muddled.

10 Yet the safety and security mission remain
11 our fundamental regulatory objectives. We are still
12 bound by the language of the Atomic Energy Act with a
13 focus on adequate protection and reasonable assurance.
14 Broad terms and a statute purposefully left free a
15 prescriptive language by the Congress.

16 Or as the U.S. Court of Appeals for the
17 District of Columbia Circuit said in a famous Seibel v.
18 AEC case back in 1968 "The Atomic Energy Act sets out
19 a regulatory scheme under which broad responsibility is
20 given to the expert agency, administering agency, as to
21 how it shall achieve its statutory objectives." In
22 other words, the NRC has over the decades wrestled with
23 how much is too much regulation and how much is
24 necessary. How much is safe enough?

25 The bottom line is always how much risk are

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1 we willing to take, how much risk is acceptable. And
2 it must be acknowledged the NRC does not regulate to zero
3 risk, not in 1978 and not now.

4 Adequate protection is a difficult phrase
5 to explain to lay audiences when adequate in the usual
6 vernacular means okay, good enough. For us, of course,
7 it means the Commission must consistently and over time
8 use its broad discretion to impose requirements it
9 believes meet this mandate.

10 And we can be neither too lax nor too
11 strict. And we must not conduct our decision making in
12 a vacuum. We must consider real life and actual
13 operating experience. And we must weigh public and
14 stakeholder input to guard against making decisions in
15 isolation.

16 This balancing act is what I would call the
17 essence of the regulatory craft. And part of that craft
18 I believe is listening to the opinions of those outside
19 of the NRC. While the NRC is independent, that does not
20 mean we are isolated. It's important that the NRC
21 communicate with and engage in meaningful dialogue with
22 the industry, the Congress, the states, the local
23 governments, nongovernmental organizations,
24 international entities and the public. That's sort of
25 like what we're doing here at the RIC today.

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1 We can be independent while still
2 listening and considering the opinions of others. At
3 a speech I gave last year, I talked a little bit about
4 my regulatory philosophy. I'm registered as an
5 Independent, not a Democrat or a Republican.

6 And along these lines, I believe I'm
7 independent in my thinking and philosophy. And I don't
8 adhere to a rigid ideology that compels a certain
9 outcome each time, though I believe I'm predictable in
10 my approach in evaluating each matter on a case by case
11 basis and applying rules consistently and deliberately
12 across the board.

13 I'm also independent in that I'm open to new
14 ideas and solutions others may offer. I listen
15 open-mindedly to all stakeholders without becoming
16 beholding to just one point of view.

17 I believe problems must be clearly defined.
18 I think there is rarely only one solution to them. Nor
19 do I believe that the NRC necessarily always has the
20 right answer to address a problem when we start out
21 considering one.

22 In my experience, often times the best
23 decision, the consensus based solution, is reached
24 through meaningful dialogue among all affected parties.
25 Let me give you an example.

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1 When the Commission was assessing the best
2 approach to dealing with beyond design basis external
3 events in response to the accident at the Fukushima
4 Daiichi power plant, the industry developed a concept
5 for flex equipment. And out of that also was born the
6 national response centers. To me that is a
7 collaborative problem solving effort and innovation at
8 its best.

9 What I hope is clear from my voting record,
10 my congressional testimony and my previous speeches
11 that I don't compromise on safety or security for the
12 nation's commercial nuclear facilities. And what I
13 hope is clear from the voting record of the Commission
14 as a whole is our commitment to independent decision
15 making.

16 While we at the Commission may not always
17 agree upon ourselves, while our staff may not always
18 agree among themselves as they format positions. While
19 we may reach conclusions in ways others may not always
20 agree upon, we are doing what we believe is necessary
21 to make our mandate a reasonable assurance of adequate
22 protection of the public health and safety.

23 Or for the backfit rule, we have determined
24 that a new regulation or a new requirement provides
25 substantial additional protection in overall safety.

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1 And that additional costs are justified.

2 Part and parcel of everything that we do is
3 an assessment of risk. And I think that it is an area
4 where there has been a significant shift in public
5 perception and acceptance since 1978.

6 If you're about my age and were raised in
7 the United States, I can think back for a moment on what
8 it was like growing up as a child and the types of risks
9 we may have taken or our parents accepted for us. When
10 I was small, cars did not have seat belts. We didn't
11 wear bike helmets. Some of us smoked. I was not
12 smoking at age 10 or really never after that. We
13 wandered our neighborhoods freely.

14 We often ate white bread and TV dinners and
15 processed foods. And no one lectured us about the
16 nutritional deficits or the health risks. We had no
17 idea that one day the World Health Organization would
18 announce the dangers of a bacon, lettuce and tomato
19 sandwich.

20 To be sure, changes in some behaviors and
21 practices have saved lives. Wearing seat belts is
22 perhaps the most obvious one of the examples I gave.
23 And it is something where society came forward with
24 requirements that added to safety.

25 But today for reasons I'll leave to

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1 sociologists to describe, there is a considerable level
2 of risk aversion, of fear or even paranoia about what
3 could be considered relatively small risks. And we
4 need only to look at the headlines and the arguing on
5 social media to realize how differently people perceive
6 risks that the world faces today. And the arguments
7 over the administration of vaccines are perhaps one of
8 the most telling examples.

9 At the same time, counter-intuitively we
10 may dismiss as meaningless or unsubstantiated what
11 others consider substantial and considerable risks. The
12 global debate over climate change seems to fall into
13 that category. How did assessment of risk become so
14 fraught with politics and emotion?

15 Supreme Court Justice Stephen Breyer wrote
16 a fascinating book published in 1991 on the subject of
17 risk and regulation. The book is entitled "Breaking
18 The Vicious Circle Toward Effective Risk Regulation."
19 And in the book Breyer points out that "regulators
20 generally have a two part job, risk assessment -- that
21 is measure it -- and risk management -- that is what are
22 we going to do about it." What are we going to do about
23 risk?

24 In the risk assessment part of the
25 equation, the NRC is informed by the probability and

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1 consequences in an event, risk informing our practices.
2 For the management part of it, we're going to use our
3 discretion to act through the lens of adequate
4 protection with an eye on predictive and stable
5 decision-making.

6 Breyer's book underscores that the
7 public's evaluation of risk often differs radically
8 from that of experts. The book includes a table a
9 little bit dated perhaps were survey results from two
10 groups of what might be the general or lay public. Both
11 put nuclear power at the top of that perceived risk list
12 while experts in the field rank nuclear 20 out of the
13 30 matters that are listed, well behind car accidents,
14 hand guns, smoking, police work and food preservatives.

15 Says Breyer, "When we treat tiny, moderate
16 and large risks too much alike, we begin to resemble the
17 boy who cried wolf." While Breyer doesn't single out
18 the phraseology "adequate protection" as a verbal
19 stumbling block, he might well have. Risk makes people
20 nervous and the mere invocation of adequate protection,
21 even reasonable assurance, may not provide the
22 confidence people need or that their regulator
23 basically has their backs.

24 So what are we as regulators to do? This
25 might be where I lay out a five point plan or come up

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1 with three things for you to remember. Instead, I'm
2 going to focus on one concept to think about and that
3 concept's connection to risk in the public's perception
4 of the NRC's role.

5 And that concept is trust. Or as our
6 strategic plan states our vision "a trusted,
7 independent, transparent and effective regulator."

8 Let's focus just on trust for the moment.
9 Researchers have found and we know this intuitively that
10 trust plays an important part about how we accept and
11 respond to risk. Our acceptance of risk in say smoking
12 or eating bacon, global warming, even nuclear power can
13 be related in no small part to how much we think that
14 person or institution telling us about the risk is
15 trustworthy.

16 If we don't trust them or if we don't know
17 them well enough to place our trust in them, we are
18 skeptical of their risk calculations and their risk
19 communication. We won't believe in the reliability of
20 their information or their judgement or their
21 decisions. And we may not believe them when they say
22 there is no wool for the door.

23 This can be a difficult situation for a
24 federal regulator overseeing a highly technical and
25 complex industry. Many people simply don't understand

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1 especially when we're regulating something like
2 radiation that can't be seen or felt or heard.

3 The NRC must make decisions and function in
4 an environment in which I believe government as a whole
5 is often not trusted and where there is a tremendous
6 public division over the trustworthiness of science and
7 of federal scientists in particular. In my opinion,
8 there is also a certain distrust of big industry which
9 is something I think those of you from utilities may
10 understand.

11 Breyer's book lays out the dynamic, the
12 vicious circle, of his title between public fear,
13 political response to those fears by lawmakers and by
14 independent regulators. And while his solution of a
15 new professional bureaucracy with interagency
16 jurisdiction may not be wholly feasible, the notion that
17 the dynamic is worth attending to I believe is an
18 important one.

19 So I don't have though a magic wand to wave
20 and create trust. But it appears to me that both the
21 NRC and the industry need to look even more closely than
22 in the past at how that trust is achieved.

23 For the NRC, I believe it is achieved with
24 decision making done openly with ample explanation of
25 our conclusions to the public. So the public can

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1 understand our actions. It can be achieved
2 incrementally and over time by consistently applying
3 the doctrine of reasonable assurance of adequate
4 protection to our actions. And it can be accompanied
5 by being responsive to our oversight committees and the
6 Congress in attending to their concerns about our
7 activities and about risk.

8 We must be vigilant in explaining our role
9 I believe. And we must be seen as collaborative within
10 the agency and open to ideas and concerns of those
11 stakeholders outside of the agency. We are not a
12 regulatory island.

13 And it appears to me we further build
14 confidence by consistently reassessing how safe is safe
15 enough based on experience and analysis and sound
16 science by practicing the regulatory craft. And I
17 believe there needs to be sense of craftsmanship to good
18 regulation, although you may consider the pursuit of the
19 regulatory equivalent of the unattainable holy grail.
20 But the pursuit is itself worth the journey.

21 I argue that the regulator needs to
22 constantly pursue the sweet spot between regulation,
23 good regulation and over regulation, to pursue
24 effective regulation without imposing undue burden and
25 stifling innovation. We need to set certain

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1 boundaries. A fuzzy bright line some might say allow
2 licensees to innovate within that framework.

3 We at the NRC don't operate power plants.
4 We don't push the buttons or manipulate the valves. We
5 have to set parameters within which operators can
6 operate however. We cannot be static and assume
7 everything done in the past is always right and never
8 needs to be reevaluated and reassessed through a new
9 lens.

10 I believe that changes last year to the
11 Reactor Oversight Program are a good example. We first
12 established certain levels within the program when it
13 was established to inform ourselves in terms of trying
14 to achieve a better way of consistently looking at the
15 oversight of the reactor program. It was an effort that
16 came after a couple decades quite frankly of focusing
17 on the assessment of licensee performance to provide a
18 more effective and dynamic way of addressing
19 performance, a goal long sought by the agency.

20 The structure and approaches under the
21 program were never meant to be static. And I believe
22 recent adjustments underscore the importance of the NRC
23 relooking and thinking about how it was achieving its
24 goals through the program.

25 Our response to the Fukushima Daiichi

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1 accident five years ago this week is another example of
2 our ability to be flexible and to adjust to changing
3 circumstances. We faced a regulatory problem and we
4 worked through it in a thoughtful and systematic way.

5 Our expert staff came up with a variety of
6 options which the Commission further focused based on
7 safety significance. We listened to stakeholders and
8 took appropriate actions. And now at the anniversary
9 we find ourselves in a better place in relationship to
10 the safety of the U.S. fleet of nuclear reactors. We
11 are now rolling the Fukushima lessons learned
12 activities into our day to day operations.

13 I've been to Fukushima last year and seen
14 the site and the surrounding community. And I know
15 everyone in this audience shares my commitment to not
16 letting that happen here or elsewhere.

17 We may never convince everyone that we are
18 practicing regulatory craftsmanship and being
19 transparent in our processes to utmost of our
20 capability. But I believe that the past year has shown
21 that the NRC's ongoing commitment to these ideals.

22 Evermore information is made available to
23 the public. And the Commission as a whole has been
24 forthcoming with explanations in its voting decisions
25 of why we do the things we do, why we take the approaches

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1 we do. And we have been generous I think in stakeholder
2 conversations and open to stakeholder input.

3 Project Aim is an example of our desire to
4 be good stewards of our resources and a measure of trust
5 in how we conduct our business. Our public outreach
6 continues to be among the highest of any regulator
7 anywhere.

8 And you can trust this much. The agency as
9 a whole and myself as chairman will continue to build
10 upon and maintain public trust. So there is confidence
11 in our assessment of risk and the measures needed to
12 minimize it and address it appropriately.

13 Our craftsmanship may not always be
14 perfect. The quest to achieve greater craftsmanship is
15 one we must always engage in. And I think it's
16 something that we need your support as we carry out that
17 effort.

18 Llewellyn King who used to own a trade
19 publication, "Energy Daily," wrote an op ed piece last
20 November underscoring the perception of our lack of
21 perfection here at the NRC. He derided the NRC as an
22 agency so "sclerotic, pusillanimous and risk averse
23 that it has priced new reactors out of possibility of
24 being built in the United States."

25 Now I mention this quote for two reasons.

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1 It's one of the rare occasions I've had ever had to use
2 the word pusillanimous. But seriously, I want to end
3 today by talking about adequate protection and
4 reasonable assurance, risk and trust related to what
5 could be the future of the agency down the road, for the
6 future of the agency, but also the industry and the
7 country with small modular reactors and advanced
8 reactors.

9 These new reactors could provide an
10 important generation of electricity in the future.
11 They could be sources of innovation for the United
12 States and bring a host of benefits from jobs to reduced
13 impact on climate change. And while the benefits are
14 not for the NRC to tote, we can work hard to ensure that
15 the public trusts us to do the right thing when these
16 new ideas and new applications come to us for review and
17 possible licensing.

18 Within our current framework, we have been
19 working with New Scale in preparation for the New
20 Scale's expected design certification application at
21 the end of this year, 2016. And we expect to receive
22 an early site permit application from Tennessee Valley
23 Authority later this spring.

24 And for advanced, non light-water
25 reactors, our 2017 budget proposal includes \$5 million

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1 off the fee base relating to developing regulatory
2 infrastructure for advanced reactor technologies.
3 This is an arena in which we can exhibit our regulatory
4 craftsmanship, assessing risk, balancing risk and
5 regulation, setting boundaries without stifling
6 innovation.

7 The public needs us to do our job. And our
8 job is going to be dependent on getting the right
9 information at the right time to make the right
10 decisions.

11 That was true in 1978 when I joined the
12 agency and it's true now. We may no longer watch
13 Fantasy Island except maybe on Netflix somewhere. And
14 some of us may eat a bacon, lettuce and tomato sandwich
15 with some trepidation, not I.

16 But we must always take a look at ourselves,
17 make hard decisions in the open and make a clearly
18 understood assessment of risk based on the science that
19 comes in front of us to provide reasonable assurance of
20 adequate protection in every neighborhood and in every
21 community in every state and in this country.

22 I want to thank you for your attention
23 today. Before I close, I just want to note two things.
24 First, one development as Bill noted, Commissioner
25 Ostendorff has announced that he is moving on to a

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1 position at the Naval Academy when his term ends in June.
2 And I want to take this moment to congratulate him on
3 that and thank him for his service.

4 It's been an honor for me to serve with him
5 and under him first as general counsel and then upon my
6 return here at the agency. He's always brought his
7 wealth of experience to the Commission and helped guide
8 the agency through the challenges of the Fukushima
9 Daiichi response and the changing industry environment.

10 His straightforward and thoughtful
11 approach have earned him not only my respect but I think
12 the respect of his colleagues and the agency and the
13 American public at large. I wish him well as he moves
14 on.

15 And finally I just lastly note our Public
16 Affairs Director Elliott Brenner has also announced
17 he'll be moving on later this summer. It's been a
18 pleasure to work with Elliott over the years. And I
19 know he's given you, particularly those in the media,
20 great support. So I want to thank him.

21 Again, welcome to the RIC. Thanks for
22 listening to me and I will appreciate and enjoy engaging
23 with you during the next few days. Thank you.

24 (Applause)

25 MR. DEAN: No sir. You have to stay up

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1 here and answer some questions.

2 CHAIRMAN BURNS: Okay.

3 MR. DEAN: So here's the first one.
4 Actually people were paying attention to your speech
5 because they've asked questions specifically about
6 topics that you raised. This first one says, trust
7 implies shared values. And values value greatly
8 between various stakeholders, for example, industry,
9 communities in your plans, etc.

10 And NRC has its own institutional values.
11 How can these divergent values be reconciled? And
12 thank you for your good work.

13 CHAIRMAN BURNS: Thanks. That's an
14 interesting question. At the core, I'm not sure how
15 divergent those values are. I think what the
16 prospective is on them can often be different.

17 And that's one of the struggles that I
18 focused on with this question. And it's an age old
19 question not just for the nuclear industry. In
20 response to a question I had somewhere else, I took a
21 course in law school on FDA regulation and at the core
22 of that course was the question "How safe is safe
23 enough?"

24 So I think for our part as the regulator is
25 we need to focus on that. This is what goes into the --

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1 I'm glad we're having a session on the Principles of Good
2 Regulation because it goes into the values of
3 predictability and consistency across the board.

4 We're going to have different
5 perspectives. That's what happens in a democracy.
6 Ultimately, we as decision makers have to take those
7 inputs and make a decision consistent with what we've
8 done in the past, leaning forward in the future where
9 we need to make some change.

10 MR. DEAN: The second question. How, if
11 at all, do the realities of industry economics factor
12 into the regulatory framework? Does the benefit of
13 nuclear power to environment and economy enter into the
14 equation?

15 CHAIRMAN BURNS: For the most part those
16 questions are going to be dealt outside of the NRC. The
17 question of continued operation of plants under
18 challenge because of economics is something that
19 essentially the NRC can't do anything about.

20 We have to be consistent about how we carry
21 out the safety mission. Part of that is looking at
22 ourselves. That's one of the purposes of Project Aim
23 to think about how we can be more effective with our
24 resources, how we can focus on the right things, which
25 then doesn't become an unnecessary burden.

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1 MR. DEAN: So the next question is with no
2 national energy policy ultra-cheap gas for the
3 foreseeable future and no carbon legislation, how do you
4 view the viability of nuclear as an industry? And do
5 you see the NRC having a role in the survivability of
6 nuclear as a national energy source?

7 CHAIRMAN BURNS: As I said in response of
8 the last question, our role really does not bear on the
9 survivability question. This interplay of energy policy
10 of the way electricity is priced, cheap natural gas,
11 those things, those things have to be done if at a
12 governmental level by other policy makers.

13 We have to keep focused on our safety and
14 security mission. Again, what I would say is we can
15 contribute from the standpoint that we look at ourselves
16 or look at our programs and look at how we regulate and
17 do it in the most effective way possible.

18 MR. DEAN: The next several questions have
19 an international bent or flavor to them. Increasingly
20 in Europe and Asia and in China in particular, it is said
21 that consequences of severe accidents should be
22 practicably eliminated. Any thoughts on how to
23 harmonize this goal with our safety goal statements such
24 as adequate protection?

25 CHAIRMAN BURNS: That's an interesting

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1 question. I think the way we look at it is that
2 particularly as we move forward for generation three
3 plus designs and when we get to the generation four
4 designs is we're looking at technologies that have
5 addressed some of these issues and look at say for
6 technologies. What we've concluded as an agency and
7 responsibly so is that the existing fleet is safe to
8 operate.

9 And in that context, there are upgrades
10 that we have required that the industry has implemented,
11 that we've addressed through the Fukushima lessons
12 learned efforts. From that standpoint, I think those
13 are things that merit our good practices and that merit
14 our attention. And I think going forward as we look at
15 other designs and the promise -- again we haven't looked
16 at some of these -- on some of these designs particularly
17 in the advanced reactor area they address some of these
18 questions of a higher level of safety.

19 MR. DEAN: As the agency looked for areas
20 to cut in its downsizing efforts, one of the areas
21 highlighted is reduction in international
22 collaboration. NRC staff's participation and
23 activities such as workshops, conferences, technical
24 meetings, etc., have been identified as areas to cut or
25 reduce. Would you be willing to reduce agency's

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1 international activities?

2 CHAIRMAN BURNS: Could you repeat that?

3 MR. DEAN: Yes. Would you be willing to
4 reduce agency's international activities?

5 CHAIRMAN BURNS: In that context, we have
6 to look at all of our activities and look at where the
7 value added is. And having said that and having worked
8 in the international sphere at the OECD, I am a big
9 advocate in terms of our international engagement.

10 What I think really what we're trying to
11 look at is when we go to a conference do we need eight
12 people going to that conference? Do we have every
13 conference in the world? Do we need to go to every
14 conference in the world?

15 But the core things that we do -- And I know
16 with our Commissioners and I this week we'll be engaged
17 with a lot of international partners from counterpart
18 agencies across the world. That continued dialogue
19 with them, that continued support, working through the
20 things like -- Here, Bill, I'll give a plug for the NEA
21 -- joint projects with the NEA or the IAEA where we can
22 leverage our resources because other contributors give
23 contributions or money to projects. That's a big
24 benefit to us and that's what we're going to continue
25 to do.

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1 We have to look in an environment in which
2 our resources are going to be lower. And we have to look
3 how effective in that. And that may mean in some areas
4 not only international that we don't do as many of those
5 things as we want to do. And I think the staff's focus
6 is on keeping the core and keeping the important things
7 going.

8 MR. DEAN: There's a couple of questions
9 that I'm going to combine into one, but it deals with
10 new reactors. Basically, it orients around do you feel
11 that the NRC's present regulatory norms are a hindrance
12 or a help in fostering an increased construction of new
13 nuclear facilities compared to international and
14 foreign country norms.

15 CHAIRMAN BURNS: I don't believe that our
16 basic regulatory structure is a hindrance to new reactor
17 implementation and development. And I don't believe as
18 compared to other systems that it stacks up poorly or
19 it doesn't allow for innovation or that it doesn't allow
20 for progress in going forward.

21 I think what we have on our plates and it's
22 alluded to in some of the earlier questions an
23 interesting circumstance in the United States that in
24 some circumstances perhaps it was predicted even 10 or
25 15 years ago with low natural gas prices and the other

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1 aspects of the electricity market such as it is.

2 I've looked at a number over the years the
3 approach is that others take toward licensing. We also
4 share with our colleagues through the Multinational
5 Design Evaluation Program their approaches. And I
6 think we are able to make decisions in a reasonable time
7 frame with the process we have. And what
8 we've been talking about for example advanced reactors
9 with a lot of these smaller companies who think they may
10 be interested at some point in time coming to the agency
11 with an advanced design. We've looked at things like
12 topical reports and other types of approaches,
13 approaches that have been inherent in the NRC's
14 regulatory process since I joined the agency.

15 I think we can do this. It requires good
16 communication between us as an agency and applicants.
17 It requires some forecasting, some alert, to what's
18 coming down the road to us and then working through
19 particularly as we talk about non light-water reactor
20 designs, if we're getting to there, looking at and
21 addressing some of the framework issues that may be a
22 bit different for those types of designs.

23 MR. DEAN: That's a nice lead into this
24 next question. I'm having a little bit of trouble
25 reading the handwriting. But I believe what the gist

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1 of the question is given the fact that we will be faced
2 with licensing advanced reactors with a significant
3 difference in design, how can the NRC with little
4 operational experience with such reactors maintain
5 public trust as it makes its licensing decisions on such
6 reactors.

7 CHAIRMAN BURNS: Well, we have to take in
8 account the information that we have. And there is some
9 historic experience, some of it old and some of it in
10 other places of the world. That can feed into it.

11 I would imagine -- you're the technical guy
12 -- doing in the type of your job your staff and Jennifer
13 Uhle's staff does integrating that experience that we
14 know as well as this scientific evaluation and technical
15 evaluation, the analysis that accompanies the
16 applications, and that we confer independently. We
17 integrate that together to make the best safety judgment
18 that we can.

19 And as I emphasize in my talk the thing we
20 need to do is lay open for people to see how we reach
21 our conclusions, what those conclusions are based upon.
22 And I think we can earn that trust going forward doing
23 that, doing the work that we have always done in trying
24 to address safety, the safety issues and giving good
25 judgments on the safety of multiple designs in plants

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1 around the country.

2 MR. DEAN: And I would offer just as an
3 example that the reason Commission affirmation for the
4 construction permit for the SHINE facility which was a
5 unique design I think reflects how the staff can and is
6 very capable of doing that very thing.

7 CHAIRMAN BURNS: Yes.

8 MR. DEAN: So there are a couple of questions
9 associated with your thoughts on adequate protection.
10 One of them is don't you contaminate the adequate
11 protection concept when you enter cost into it.

12 CHAIRMAN BURNS: No, I don't think we do.
13 We have this interesting concept. And believe me
14 across the course of my career I think within talking
15 with people in and outside of the agency, talking among
16 ourselves when I was in the General Counsel's Office
17 among lawyers as well as talking with the technical
18 staff we have the interesting thing about the adequate
19 protection concept. It's the idea that it creates the
20 floor for safety. That is we make a judgment that no
21 matter what the cost is there are certain aspects that
22 you must address and that must be present in order for
23 us to license it.

24 The idea of cost really comes in in terms
25 of the regulatory construct when we talk about the

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1 ability of the agency and the freedom that is allowed
2 under the Atomic Energy Act to say "Well, maybe we should
3 do something more." And that's where we have had this
4 interesting and robust discussion in terms of the
5 backfit rule, the backfit rule going back to the '70s,
6 being significantly redone in the 1980s. It went to
7 court. It came back.

8 The agency addressed those issues,
9 satisfied the court's mandate in that context but the
10 idea again of providing substantial additional
11 protection. And that idea is that there is a way of
12 looking at cost and benefits of additional protection.

13 So the basic framework we've had there.
14 We've had since the beginning. I think what we have and
15 in some ways I would say giving one more legal analogy
16 that it's not unlike our experience in this country with
17 the common law.

18 We look at issues that come up in this
19 context about what adequate protection is, about what
20 adds substantial additional protection, looking at
21 costs and benefits, thinking about how we assess that
22 and measure that and apply it to the regulatory
23 framework. I think that's a good thing. I think that
24 helps us maintain and continue to achieve a high level
25 of safety in the things that we regulate in this country.

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1 MR. DEAN: And then a second question
2 associated with the adequate protection is how does the
3 NRC put into perspective public opinions, especially
4 opinions that are extreme falling outside of the
5 adequate protection mandate.

6 CHAIRMAN BURNS: I may not quite
7 understand the question. Obviously, in our processes
8 on a rulemaking and other types of things, environmental
9 statement, other types of things that we put out on it,
10 anybody can comment on. And we're going to get comments
11 I think at either end of the spectrum. And I can think
12 of things where we see basically both people saying
13 "You're killing us." One of them is saying "You're
14 killing us as an industry." The other one is saying,
15 "You're killing us because you're not safe enough."

16 We have to take into account those things.
17 We have to process. That's part of the administrative
18 process that we're required to do. Basically pure
19 comments that don't offer anything more, that don't
20 offer an explanation or an analysis of why a particular
21 outcome may not be beneficial or why it may be harmful,
22 those are things that are going to be put to the side.

23 It's really serious and substantive
24 commentary that addresses the regulatory issues, that
25 addresses the technical issues that we have and the

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1 particular problem, those are the ones. And they're
2 going to be across a spectrum of views. Those are the
3 ones that are going to be taken in account particularly
4 I think in the rulemaking context as we look at
5 requirements that should or should not be imposed on the
6 regulated industry.

7 MR. DEAN: I have one more question for
8 you, Chairman. But before you do that, there's a
9 question that came in that really I think I might be
10 better positioned to answer. And the question is the
11 RIC does not seem to have any critical perspectives such
12 as sessions with the Union of Concerned Scientists.
13 How do you make sure that the industry isn't the only
14 stakeholder with a seat at the regulatory table?

15 I would offer if you take a look at the
16 program -- I did a quick look at it as I was looking at
17 this question -- I counted at least four sessions where
18 we do have NGO representation at the table including
19 David Lochbaum at several. A number of our technical
20 sessions are purely technical in nature where we are
21 sharing or providing results of recent research
22 activities and so on. And then several of our sessions
23 are internationally flavored which is basically
24 perspectives provided by international counterparts.

25 So I would offer that I think the RIC does

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1 incorporate appropriately our critical perspectives by
2 trying to include on a number of panels other
3 stakeholders other than just industry. So I wanted to
4 answer that question.

5 And then the last question for you,
6 Chairman, and you don't have to answer it. Will you run
7 for President?

8 (Laughter)

9 CHAIRMAN BURNS: No, only when Kanye West
10 does.

11 (Laughter)

12 MR. DEAN: Ladies and gentlemen, a round of
13 applause please for Chairman Burns.

14 (Applause)

15

16

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