

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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28th ANNUAL REGULATORY INFORMATION CONFERENCE

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COMMISSIONER KRISTINE L. SVINICKI PLENARY

TUESDAY,

MARCH 8, 2016

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ROCKVILLE, MARYLAND

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The Regulatory Information Conference met in the Grand Ballroom at the Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Rockville, Maryland, at 10:30 a.m., William M. Dean, Director of the Office of Nuclear Reactor Regulation, facilitating.

PANEL MEMBERS:

KRISTINE L. SVINICKI, Commissioner Nuclear Regulatory Commission

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

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P R O C E E D I N G S

10:30 a.m.

MR. DEAN: Okay, welcome back, everybody.

Let me start off by apologizing to the people in the front rows with the shine off of my head, but this will be my last session. I'll be out of your hair then, at that point. Commissioner Svinicki asked that I warm you up with a joke, so she doesn't have the pressure of having to come up with a joke.

A photon checks into a hotel, and the bellhop says, Do you need some help with your luggage, and the photon says, No, thanks, I travel light. All right, I'll work on these for next year. Let me introduce Commissioner Svinicki. Commissioner Kristine Svinicki was sworn in for a second term as a commissioner of the U.S. Nuclear Regulatory Commission on June 29, 2012.

Her first term began in March of 2008. She came to the Commission from a position on the staff of the Senate Armed Services Committee, where she worked on issues such as nuclear defense programs, nuclear security, and environmental management. Prior to her work in the Senate, Commissioner Svinicki worked as a nuclear engineer in various positions with the U.S. Department of Energy, both in Washington, D.C. and in

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1 Idaho. Before that, she was an energy engineer for the
2 Wisconsin Public Service Commission, and on a personal
3 note, in my 30 years or so as a member of the U.S. NRC,
4 you kind of form some favorite among commissioners.

5 I have to say Commissioner Svinicki is one
6 of my favorites because of her intelligence, her focus
7 on providing what I believe to be very excellent vote
8 sheets, and well written, and not the least of which is
9 a dry with that I've come to appreciate greatly, so I
10 give you Commissioner Kristine Svinicki.

11 [Applause.]

12 COMMISSIONER SVINICKI: Well, good
13 morning. Thank you, Bill, for that introduction, and
14 I very much appreciate your kind words. I think when
15 I began my service as a commissioner, it was my hope that
16 I would earn the respect of the Agency's hard-working
17 staff, or at least some of them, so that's very
18 meaningful to me.

19 Thank you. I'm very pleased to take part
20 in this year's regulatory information conference. It
21 is the first intergalactic regulatory information
22 conference, as is evidenced by the model of the Death
23 Star that appears in the middle of the stage there. I
24 think that the people working on the artwork, they saw
25 Star Wars for sure, I think, but my hat's off to their

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1 creativity. I'm not the least bit creative,
2 artistically or visually, so I do appreciate the hard
3 work on the artwork. I do want to add my thanks to the
4 many NRC employees who make the conference possible.

5 I know we all say this, but we need to say
6 it because of the fact that we would not have the
7 successful conference every year if it weren't for our
8 many conference staff and volunteers, so I do thank
9 them. Many of them do it and do it again each year, so
10 that's great. I would like also to acknowledge our many
11 colleagues in attendance who've joined us from across
12 the country and around the world.

13 I thank you for taking your very precious
14 time and traveling here to be with us, or even tuning
15 in to the webcast, because there are many things
16 competing for your attention, I'm sure, so appreciate
17 your time. To any of those that I've met this year or
18 spoken to or visited your facilities, I do appreciate
19 you adding to my journey of continuous learning, which
20 is what it has been for me to be an NRC commissioner.
21 It's been a journey of continual learning, and I do thank
22 you for sharing your wisdom and insights and experiences
23 with me. I also would like to acknowledge the presence
24 of other important partners from federal/state
25 agencies. I don't know if we have any local officials

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1 here today. The NRC's many critical relationships with
2 other governmental entities are essential to the
3 achievement of our mission, so I thank you for taking
4 the time to be here and, in some cases, for agreeing to
5 be panelists in some of our breakout sessions.

6 Thank you for that. Good morning to my
7 Commission colleagues. Chairman Burns, thank you for
8 your willingness to return to the NRC for a term of
9 service on the Commission and, subsequently, to serve
10 as its chairman. I'm very grateful for your
11 willingness to do that. Commissioner Baran, thank you
12 for your willingness to come at all of these issues with
13 a fresh perspective and to challenge us to consider
14 things from different vantage points.

15 I really value your many contributions to
16 the Commission and your service here. Commissioner
17 Ostendorff, I didn't just jump over your arbitrarily.
18 As has been mentioned, after completing your current
19 term of service in June, you have elected to turn your
20 attention to the important work of shaping young minds
21 and to invest your energy in the development of the
22 policy leaders of tomorrow. Those are the women and men
23 who will someday, at forums just like this one, take your
24 place and take my place. I think we all share a debt
25 of gratitude to you for your willingness to do that work.

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1 It has been a pleasure, and certainly an honor, to serve
2 alongside you, first as Congressional staff colleagues,
3 and then here on the Nuclear Regulatory Commission.

4 We have traveled an interesting road, my
5 friend, have we not? We certainly have. I just want
6 to say there's been reference to the fact of differing
7 views and differing opinions, but in those rare
8 instances where Commissioner Ostendorff and I did not
9 or could not, for whatever reason, see eye to eye in an
10 issue, I always knew that your position was rooted in
11 principle.

12 It was advanced with a lot of honesty,
13 sometimes very raw honesty, and it was defended, always,
14 without any malice or guile. I think it is
15 possible -- doesn't seem very evident, but it is
16 possible to have those kinds of very civil and
17 respectful differences of opinion. I would like to
18 think -- I haven't served on other commissions, but I
19 would like to think that our Commission tries to model
20 that behavior always. We try to model it for our staff,
21 as they might have differences of opinion with each
22 other, but I think we try to model it more broadly, that
23 it is possible, and I felt really good. I thought we
24 got some acknowledgement in our two most recent
25 Congressional hearings, comments from the dais from

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1 congressmen and senators that they could observe that
2 it was apparent how well we work together, so I think
3 we should take some pride in that.

4 I think it's an accomplishment. It's
5 pronounced fuchsia. It's not fusha, which is always
6 what you want to call it, or it's pronounced pink, any
7 color you'd like to call it, but it is technically
8 fuchsia. I know I expanded your view of what colors can
9 be made in different types of apparel.

10 I just think you're jealous because as I
11 look out, I notice that all the gentlemen really
12 have -- their wardrobe is confined somewhat narrowly to
13 parts of the color palette, and women can wear anything
14 they want, almost, pretty much. If they're Lady Gaga
15 or somebody, they can wear whatever they want. I also
16 would note, I wanted to wear -- and as I was trying to
17 leave the house today, I felt that I should go put on
18 a black outfit. In all seriousness, I was very tempted
19 to do that, but then I was remembering that today is
20 International Women's Day, so I want to welcome all of
21 the women here today. Today is International Women's
22 Day. I thought I didn't want to wear a bright color
23 because it seemed not serious to me, and then I have
24 these long internal monologues with myself. I said,
25 really, Kristine, on International Women's Day, you

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1 don't want to wear because it's feminine, because being
2 feminine is not serious?

3 So I really challenge myself on this stuff.
4 I'm like, No, there's nothing that makes it not serious.
5 That's just somebody else's opinion about it. Although
6 I think in the United States, for our international
7 visitors, I don't know that we make as much of
8 International Women's Day as a number of other countries
9 do, but First Lady Michelle Obama will be meeting with
10 girls in schools today because the theme, at least in
11 the U.S. this year, is Let Her Learn, about the education
12 of girls and women, which I think is a very important
13 topic to be talking about.

14 This is my eighth RIC speech, not that I'm
15 counting or anything. In a few short weeks, I'll begin
16 my ninth year of service on this Commission. That
17 brings to mind for me -- I wasn't going to mention -- this
18 is a little off color, but I was listening to a female
19 comedian. She goes, you hear about women being in labor
20 for 20 hours. I don't even want to do something
21 pleasurable for 20 hours. That's way too long to be
22 doing something. Eight years is a long time to be doing
23 something. You tend to fall into patterns. One
24 unfortunate pattern is, as I mentioned last year, I told
25 a joke at my first RIC, and then people have this

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1 expectation that you'll tell another joke.

2 Now, as I sat here this morning, I thought
3 perhaps Mr. Dean is well and truly taking that
4 responsibility off my shoulders. I don't have any
5 better jokes than him. I had to decide -- puns are the
6 lowest form of humor. Am I the only one that calls them
7 that? I had a pun. I'm a vegetarian, so it was funny
8 to me. The other one is based on such tired, sexist
9 stereotypes that I wasn't going to tell it, and then I
10 thought wait, it's International Women's Day, so I ought
11 to tell that one because women come off looking kind of
12 good in it. I don't know. Should I tell neither?
13 What should I do?

14 PARTICIPANT: Go for it.

15 COMMISSIONER SVINICKI: Okay, so both. I
16 think I heard a clear vote for both. So the first one
17 is have you heard that there's new scientific evidence
18 that vegetables can feel pain as you're eating them?
19 That's why I drowned all mine in dressing. It's the
20 only Romaine thing to do. Okay, and the other one,
21 since that one went over so well -- I got a little bit
22 more out of them than you have done.

23 MR. DEAN: You're a commissioner.

24 COMMISSIONER SVINICKI: Oh, that's right.
25 He said I'm a commissioner, so you have to laugh. So

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1 a computer company distributed a corporate clothing
2 catalog, like a logo catalog for the employees. It
3 included a pair of cuff links that had the two keys from
4 the computer keyboard for control and escape. A female
5 employee was overheard saying to another, It would make
6 a great gift for any man because it would remind him of
7 the two things he can never have.

8 MR. DEAN: That was funny.

9 COMMISSIONER SVINICKI: That was a good
10 one. I thought it was funny the men liked it because
11 you're all a really good-spirited group, but I don't
12 know if the women liked it. But anyway -- maybe we liked
13 it for different reasons -- I should try to get through
14 some remarks, I guess, here, and then if we wanted to
15 leave time for Commissioner Ostendorff, I did talk to
16 Bill about ending early, partly because Commissioner
17 Ostendorff's Q&A has the potential to be the most
18 interesting thing in the RIC. Have you noticed how when
19 people are leaving, they become really honest about
20 things? His Q&A might really be good. The best
21 analogy I could use -- I am beginning to feel, the longer
22 I'm at NRC, that I draw these comparisons to a family.
23 It does feel like being in a family. There's a musician
24 and spoken word poet, Loudon Wainwright, and I'm a fan
25 of his works, but he has this way that he put it.

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1 He said, AI doubt that the length of the
2 acquaintance necessarily makes it easier for loved ones
3 to know you better, or for you to know them. The past
4 keeps getting in the way. I think that is true in
5 families, a little bit true in NRC. As a commissioner,
6 I communicate on the issues that come before me
7 principally through the vehicle of my written votes, or
8 in the case of our adjudicatory orders, through a
9 dissent or additional views that I might append to that
10 decision.

11 In the course of the last year, since I
12 spoke here, those views, in various forms, have run the
13 gambit from very sincere expressions of commendation
14 from me to the NRC staff for those instances where I feel
15 that their work was very insightful and I feel very
16 blessed by the careful and disciplined work that they
17 do, to those instances where I have called out things
18 when I'm not convinced, when I think that maybe it isn't
19 going to work the way people think. It runs the gambit,
20 and that's why Bill's expression of at least
21 acknowledging my hard work is so meaningful to me
22 because that's what I'm there to do, as a commissioner.
23 I kind of say I'm the internal skeptic. I'm the asker
24 of tough questions.

25 I just had the opportunity to meet the

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1 newest member of the Defense Nuclear Facility Safety
2 Board. He was saying, Well, I ask a lot of questions.
3 Some of them are dumb. I don't like that phrase, dumb
4 questions. But he said, I ask ten questions, that tenth
5 one sometimes really gets to something that we all need
6 to talk about. I think that's true. In his Washington
7 Post review of the book Dissent and the Supreme Court,
8 book reviewer David Cole writes, Majority opinions are
9 exercises in power.

10 Dissents are appeals to our better
11 judgment. The majority prevails, but the dissenter's
12 role is by far the more romantic. It is the work of the
13 individual who, on principle, stands against the crowd.
14 History, not rhetoric or cogency, determines whether a
15 dissent wins out in the long run. Yet, by articulating
16 a compelling vision, a persuasive dissent can
17 contribute to the arc of historical change. My recent
18 vote on the establishment of centers of expertise comes
19 to mind in this regard, although I wouldn't call the vote
20 romantic. I'll have to think more about that. I knew
21 I wasn't going to be on the winning side of the question
22 when I cast the vote, so I was able to, shall we call
23 it, give full license to my misgivings about the
24 proposal.

25 Now, anyone who's in NRC is a student of my

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1 positions, and I certainly hope you have better things
2 to do with your free time, but you know that I am a near
3 universal skeptic of the establishment of task forces,
4 steering committees, groups, centers, directorates, or
5 any of the other broad panoply of bureaucratic
6 workarounds for what I think is often some sort of
7 process or organizational dysfunction.

8 I think you ought to get -- we have a little
9 thing in nuclear called a root cause. I'm big on those.
10 But in this specific case, I even attached a memorandum
11 to that vote. It was an internal NRC memo from 1979,
12 where an individual spoke very freely -- an NRC
13 individual spoke very freely about how such a proposal
14 had been tried and had failed, in his view, as
15 fundamentally unworkable. Now, only time will tell if,
16 as David Cole said about dissents, whether or not my vote
17 will contribute to the arc of historical change, but
18 over enough time, maybe, who knows? In some cases,
19 playing the role of internal skeptic is no more
20 complicated than attempting to hold the Agency's work
21 product to the same high levels of scrutiny as it will
22 be held to after it is finalized, but doing so before
23 that work product leaves the building as final
24 regulatory action.

25 In the case of rulemaking, the standards,

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1 as laid out in the Administrative Procedure Act of 1946,
2 are straightforward. Under that law, the reviewing
3 courts are instructed to hold unlawful and set aside
4 Agency action, findings, and conclusions that are found
5 to be: 1) arbitrary, capricious, and abuse of
6 discretion or otherwise not in accordance with the law;
7 2) contrary to Constitutional right, power, privilege,
8 or immunity; 3) in excess of statutory jurisdiction,
9 authority, or limitations, or short of statutory right;
10 or 4) without observance of the procedure required by
11 law.

12 Now, this seems straightforward enough,
13 doesn't it, until you throw into the mix court deference
14 to Agency expertise, factual expertise, as well as
15 deference to the Agency's own interpretation of its
16 powers under the relevant statute. As long as the right
17 procedural steps are followed, the odds seem pretty much
18 stacked in the regulator's favor. Still, that makes
19 the role of the internal skeptic that much more
20 necessary and important. There's nothing to stop the
21 NRC from requiring the most exacting standards of
22 itself, and careful study of the Agency's regulatory
23 history would bear out that traditionally, the NRC has
24 held it to higher standards, I think, than any of its
25 critics have held it.

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1 So what exactly is the reward for
2 fulfilling the role of internal skeptic? Well, I would
3 say it provides its own satisfaction. As better
4 articulated in the words of Abraham Lincoln, ALet us
5 have faith that right makes might, and in that faith,
6 let us, to the end, dare to do our duty, as we understand
7 it. Or considering this is a very diverse crowd, if you
8 prefer your wisdom in the form of a country music lyric,
9 Stand your ground when everybody's giving in.

10 And lo and behold, when you stand that
11 ground long enough, you might find that you convince
12 people of something now and then. You might even
13 convince a group of people to change their mind about
14 something. Those moments, I will tell you, are the
15 particularly gratifying ones. Those are the moments
16 that keep you in it for the long haul. If your tenure
17 is long enough, you might also develop a deeper
18 understanding of where and how things change, and where
19 they don't, or where they are not likely to. It
20 recently occurred to me -- I don't know what I was
21 thinking of at the time, but I did some quick calculation
22 in my head.

23 It occurred to me that if an NRC employee
24 has in the neighborhood of 25 years that they've spent
25 with NRC as an Agency employee, I have been a

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1 commissioner on their Commission for about one third of
2 their career. That's something I tend to call scary
3 math, meaning it's math that you do and you kind of go,
4 that's kind of scary to think of that, so I try not to
5 think about it. But what insights have I developed in
6 that time period?

7 By my observation, it's people that change
8 the most readily, partly because people are more
9 resilient, often, than we give them credit for, but
10 partly, also, in an organization, people will move in
11 and out and through various positions of responsibility
12 in the organization. So to my observation, that's the
13 most ready type of change that you see. Processes are
14 the thing that change the next most readily, in my
15 observation, and least changeable of all is culture.
16 Now, I'm certainly not suggesting that it's impossible
17 to change an organization's culture. I would even
18 posit, too, that there are some good things about
19 culture not being readily changeable. Almost every
20 organization has positive attributes to their culture,
21 and you want those to be deep rooted. But you heard this
22 morning, and you will hear more throughout this
23 conference, about NRC's Project Aim initiative.

24 In a session this afternoon -- I think we've
25 heard tell of this -- the nuclear industry presenters

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1 will discuss initiatives they have going on industry
2 wide to respond to changes in the broader energy
3 economy, but within their industry, as well. If we step
4 back, though, I think in any given period, it's tempting
5 to claim that we are faced with uniquely dynamic levels
6 of change, levels of change that our predecessors didn't
7 have to confront.

8 I, personally, think that distorts reality
9 a bit. I, instead, look at it as an enduring change
10 imperative that's going on all the time for people and
11 organizations. I think it's the concept of remaining
12 static that's an illusion, as we're sometimes reminded.
13 Even if you think you're standing still, the Earth is
14 moving, so you're actually in movement, yourself. I
15 think our commitment to ongoing change -- or a better
16 word would be a commitment to ongoing adaptation, as
17 people and as organizations -- that commitment needs to
18 be deep and enduring, in my mind. I appreciate that
19 Victor McCree made some reference to this this morning.

20 He said, Long after we stop referring to
21 Project Aim as Project Aim and call it something else,
22 I think what Victor was talking about was this change
23 imperative, this adaptation imperative that we have. I
24 think anything less than a deep commitment to that and
25 acknowledgement of it is a disservice to those we serve

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1 and those we lead.

2 I think that a commitment to continuous
3 learning and change is reflected in the nuclear
4 technology professions. In NRC, as an organization,
5 it's our commitment to continuous improvement and a
6 learning environment. In other words, sometimes
7 you're just in it for the long haul, whether you wish
8 it or not, whether you expected to be or not.

9 Whether you want Project Aim to be one and
10 done, it's going to be followed by the next necessary
11 change and the next adaptation and the one after that
12 and the one after that. In her article entitled The
13 Long Haul, the journalist Amy Shearn writes, I have a
14 confession to make. I've been reading the same book for
15 nine years. In my defense, it's really long. I don't
16 know if it makes it better or worse that it's an obscure
17 book. I'm in no particular hurry to finish. For one
18 thing, there's not much of a plot, so it's not as if I've
19 been on the edge of my seat for a decade. For another,
20 reading this book has become part of who I am.

21 In this article, she goes on to examine what
22 she terms the mystical appeal of The Long Haul. Why do
23 people stay at something for a long period of time? She
24 concludes that the appeal lies in, ABeing and staying
25 open to the possibilities. It lies in enjoying the

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1 slowness of a worthy, complex endeavor, in surrounding
2 yourself with positive people of a like mind and
3 remembering to laugh, even though the moments that
4 aren't fun, even when you look in front of you and see
5 hundreds more miles to walk, even when life takes over
6 and you need to put away your project and come back to
7 it later.

8 These are all part of the process. They
9 are all, in fact, what makes the long haul so very
10 worthy, and in the end, by pushing ourselves, by digging
11 deep, we will get a little closer to knowing what we are
12 made of. This week, we mourned the passing of a -- I
13 was going to say a large figure in American political
14 life -- a very small woman, but a very significant figure
15 in American political life. Nancy Reagan passed away
16 a couple of days ago. She will be, in a few days, laid
17 to rest next to her husband, President Ronald Reagan,
18 in California, at the site of his presidential library.

19 At the dedication of that presidential
20 library in 1991, President Reagan spoke these words, the
21 last part of which is actually engraved on his
22 tomb -- just the last part of the quote I'm going to give.
23 He said, In my 80 years, I've seen what men can do for
24 each other and to each other. I've seen war and peace,
25 feast and famine, depression and prosperity, sickness

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1 and health. I've seen the depths of suffering and the
2 peaks of triumph, and I know in my heart that man is good,
3 that what is right will always eventually triumph, and
4 that there is purpose and worth to each and every life.
5 Thank you.

6 [Applause.]

7 MR. DEAN: So, Commissioner, we have a
8 handful of questions. This first one actually, I
9 think, is a pretty good one. Based on your experiences
10 as a Congressional staffer and a commissioner, are there
11 any legislative innovations that the Commission could
12 recommend or pursue? For example, at a past Commission
13 hearing, David Lochbaum, of the UCS, suggested there be
14 financial incentives for safety enhancements.

15 COMMISSIONER SVINICKI: Our Commission,
16 of course, has the opportunity to propose legislative
17 changes and fixes to the Congress. I don't know that
18 I've sat and thought hard about this in recent times,
19 but I think my reaction would be more that I marvel at
20 the wisdom of the Atomic Energy Act. I think that in
21 its form, and as subsequently amended rather modestly
22 over the years, I think it provided a very
23 forward-looking and fulsome structure for the United
24 States of America to harness the power of the atom for
25 good and for various civilian uses.

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1 I think within that framework, it is up to
2 the NRC to take that legal framework and craft this body
3 of regulation, which we've done, that I think is very
4 robust. I'm hard pressed -- there might be ways that
5 we could further improve our regulations, themselves,
6 but I don't think that I would say that I find the law,
7 itself, lacking.

8 MR. DEAN: Here's a question related to
9 your expression of your role as an internal skeptic.
10 Thanks for honoring the role of the internal skeptic.
11 It's indeed important. How do you view the role of the
12 external skeptic, including those who believe the NRC
13 does not fully endorse adequate safety?

14 COMMISSIONER SVINICKI: I'm very sincere
15 in stating that I love that we get a diversity of public
16 comments. Chairman Burns was asked a question along
17 these lines earlier, and he said -- I think it was how
18 do you feel about getting public comment that is on the,
19 maybe, extremes of the continuum of perspectives that
20 the public holds?

21 I think that's very valuable. In
22 reference to my statement about asking ten questions,
23 nine of which fall pretty flat, but the tenth one is the
24 one that everybody forgot to ask, I think that it is
25 useful to have the far extremes of public comment. I

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1 spend a good bit of time looking at public comment
2 records that we receive, not just the staff's synthesis
3 and response to those.

4 I think that's where you're going to
5 discover things that might otherwise fall through the
6 gaps. Now, you don't always agree with the far extremes
7 of perspectives that are presented to you, but I think
8 that there's real value in spending some time
9 considering those things that might seem a little bit
10 out there, but really make you step back. I will say
11 that as a commissioner, it's a tremendous privilege, but
12 it's an awesome responsibility -- and not awesome like
13 young people say; awesome, as in inspiring awe, maybe
14 a little bit scary at times -- to have this kind of public
15 responsibility to balance all of these perspectives and
16 arrive at a decision or judgment.

17 It's great, I think, to serve on a
18 commission where my individual view then gets balanced
19 against people who have very different resumes than me.
20 So at the end of the day, when I talk to friends and
21 family about the safety of nuclear in the United States,
22 it's not just my wisdom. It's that whole system of
23 making sure that we thought about it from every angle.

24 I know it seems tedious and ponderous at
25 times, and it takes a lot of time to go through those

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1 procedural steps, but as a result, I think that's where
2 you can reside all your confidence. It's not in the
3 wisdom of any man or woman; it's this collective ability
4 to make sure that we've looked at it hard, and from every
5 angle. So I think that the people who have views on
6 the -- believe you me, there's days that I cast a vote
7 on our Commission that I feel may be just as extreme as
8 any external skeptic feels. I won't crawl under my car
9 and check the break lines before I drive home -- that's
10 a horrible thing to say. But some days, we kind of -- we
11 cast that vote, and it's like the missiles are flying
12 all over. I know that I upset people. I do, maybe.
13 But I have tremendous respect for the NRC staff. People
14 are not shy about sharing their view with me.

15 I know that there's a lot of concern about
16 why do people differ from other people? Maybe it's
17 coming from Capitol Hill. I'm not bothered by that at
18 all. What I don't like is people not being respectful
19 and not being civil. I wish we could all do a little
20 bit better. That's why I closed with the remarks of
21 Ronald Reagan because he had a pretty rough political
22 career. I know that politics can be rough business, but
23 I do think that it's possible to have very different
24 views and come together.

25 I think sometimes that my strong dissents

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1 or no votes or yes votes that are maybe for something
2 else, other than what was proposed, I think that they
3 play an important role. I struggle with dissents on
4 adjudicatory orders between the view that you don't want
5 to shine a spotlight on the fact that you're dissenting
6 because that means that others didn't agree with you,
7 but after the passing of Justice Scalia, who I had
8 tremendous respect for, I thought about -- he was known
9 for zingy dissents. Now, I'm not prepared to be in any
10 way mentioned in the same sentence with Justice Scalia,
11 but he was very smart, and someone I have a lot of respect
12 for. He didn't pull his punches. So I think there's
13 room for that, as long as respect is there.

14 MR. DEAN: The next question is actually in
15 an area that you have expressed some skepticism with the
16 staff on the new reactor licensing process. The
17 question is what lessons has the NRC learned from
18 initial application of Part 52?

19 COMMISSIONER SVINICKI: I think the
20 concept is good. I'm sorry; I need to complete my
21 thoughts. The concept is good of segmented licensing
22 for new reactors, but I do continue to believe that for
23 large light-water reactors, the strength of Part 52 is
24 in the one-step licensing. My understanding is -- I
25 guess it's getting to be, what, 20-25 years ago

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1 now -- when people were trying to look at ways to get
2 better stability and predictability into the reactor
3 licensing process, that was the core learning that is
4 now reflected in Part 52. It is interesting that we're
5 now looking at maybe step-wise or segmented licensing
6 for different types of reactors. Now, that might cause
7 one to say that invalidates the learning of Part 52, but
8 I don't agree with that. I think you need a tailored
9 application of process, depending on what you're trying
10 to do. I was reading some remarks of former Deputy
11 Secretary Dan Poneman the other day, and he had a great
12 Nietzsche quote in there, which was, the most common
13 form of human stupidity is to forget what we were trying
14 to do in the first place.

15 That's a great quote. I couldn't fit that
16 into my remarks, but now I fit it into the Q&A. I think
17 that you need to -- processes are just processes.
18 They're tools. We shouldn't be a servant of something;
19 it should serve us. I think that is something that
20 gives me a lot of comfort about the way that the NRC
21 applies its regulatory framework, both as it exists -- I
22 think the staff uses a lot of discernment and judgment,
23 in terms of applying the regulatory framework that's
24 there.

25 You mentioned the SHINE technology. We

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1 talk about that, people who aren't close to it, I can't
2 describe to you how weird the SHINE technology is. It
3 was unlike, really, anything we do on a day-to-day
4 basis, and it does give me confidence that the NRC staff
5 could take this regulation and that regulation and say
6 this applies, and that doesn't apply, or this applies
7 to a certain extent. How can the safety case be made
8 here? Now, we are just at the construction permit
9 stage. When we get to an operating license, that'll
10 tell the larger tale there. But I think that we do have
11 the wisdom to go ahead and apply these processes.

12 I do think there are things in Part 50 and
13 52 that just don't fit for small modular reactors and
14 advanced reactors, whatever form they might take. I'm
15 confident that even if we don't have a Part XX that's
16 just for this exotic reactor, we have the discernment
17 and judgment to apply the basic safety and security
18 fundamentals and emergency preparedness. We can do
19 that if we're allowed to exercise that judgment. I
20 think we do have a lot of critics who are uncomfortable
21 with the use of exemptions.

22 I don't have an issue with exemptions. If
23 you can force people to do something -- if you have the
24 power under law to compel, you have to have a
25 commensurate power to exempt or excuse or offer relief.

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1 Those two things absolutely go hand in hand. So anyone
2 granted an exemption by the NRC, I think, would testify
3 to the rigor with which they have had to demonstrate
4 their ability to qualify for that exemption. I think
5 that if we're allowed to use the tools we have available,
6 I think 50, 52, or however we might approach advanced
7 reactors, the basics are there to do just fine.

8 MR. DEAN: Here's a question related to
9 storage of high-level waste. Will the approval of
10 interim storage be contingent on approval of Yucca
11 Mountain?

12 COMMISSIONER SVINICKI: If the question
13 refers to the potential applications that the NRC might
14 receive for consolidated storage facilities -- these
15 are the ones that have been much talked about in the
16 trade press -- there is not any linkage. We have
17 regulations that would allow us to license consolidated
18 interim storage facilities. So unless I'm missing
19 something about the question, there isn't any legal or
20 regulatory nexus with disposal.

21 MR. DEAN: One more question, and then sort
22 of a coda at the end. The statement of considerations
23 for 10 C.F.R., Part 73, refers to high assurance. Is
24 this a term of art that means the same thing as
25 reasonable assurance, or does it support and ensure that

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1 we can maintain reasonable assurance of adequate
2 protection of safety?

3 COMMISSIONER SVINICKI: I haven't looked
4 at 73 particularly in some years. I'd have to go back
5 and look at the context of the reference to high
6 assurance. Just from the English language standpoint,
7 it sounds different, so I would need to look at the
8 statement of considerations. I'd need to
9 understand -- maybe a distinction was being drawn with
10 reasonable assurance there, but that, in and of itself,
11 would be odd to me, and I'd want to understand that a
12 little bit better.

13 There isn't anything in the Atomic Energy
14 Act about security that calls for high assurance, so I
15 don't know. Sometimes we just get literary. That's
16 another reason -- I know people -- my votes, I'm such
17 a stickler for just speaking with clarity and saying
18 what you mean. It's because 10 years from now, 20 years
19 from now, your phraseology that you thought was a
20 rhetorical flourish becomes a career for a lawyer, and
21 a technical person's worst nightmare.

22 That's why if you want to -- NRC has had
23 wonderful poetry slams. We actually have a spoken word
24 poetry contest inside the building, so people have other
25 outlets for creative, vague terminology that they want

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1 to use. It shouldn't be in regulations, and it
2 shouldn't be in guidance.

3 MR. DEAN: Matter of fact, one of my staff,
4 Tanya Hood, won that competition this year.

5 COMMISSIONER SVINICKI: It's amazing. I
6 went to one. I was out of town for the last one that
7 was held this year. NRC's creativity really, at least
8 in spoken word poetry, really blew me away. It was
9 amazing. So to NRC staff that can go to future ones,
10 it's really great.

11 MR. DEAN: The last one here is really not
12 a question, but I think it's something that perhaps you
13 and I have engendered, and it's a joke for the
14 commissioner. How many nuclear engineers does it take
15 to change a lightbulb? The answer is two; one to change
16 the lightbulb, and one to find a place to store the old
17 one for 100,000 years.

18 COMMISSIONER SVINICKI: Hey, that's good.
19 I like that one.

20 MR. DEAN: Do you want it? Ladies and
21 gentlemen, Commissioner Kristine Svinicki.

22 COMMISSIONER SVINICKI: Thank you.

23 [Applause.]

24 (Whereupon, the above-entitled
25 presentation was concluded at 11:08 a.m.)

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