

# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BRIEFING BY NUCLEAR ENERGY INSTITUTE

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PUBLIC MEETING

Nuclear Regulatory Commission  
One White Flint North  
Rockville, Maryland

Thursday, March 31, 1994

The Commission met in open session,  
pursuant to notice, at 9:00 a.m., Ivan Selin,  
Chairman, presiding.

COMMISSIONERS PRESENT:

IVAN SELIN, Chairman of the Commission  
KENNETH C. ROGERS, Commissioner  
FORREST J. REMICK, Commissioner  
E. GAIL de PLANQUE, Commissioner

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## STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

JOHN HOYLE, Assistant Secretary

KAREN CYR, Office of the General Counsel

PHILLIP BAYNE, President and Chief Executive Officer,  
NEI

JOE COLVIN, Executive Vice President, NEI

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

9:00 a.m.

CHAIRMAN SELIN: Good morning, ladies and gentlemen.

The Commission is delighted to welcome representatives from the new Nuclear Energy Institute to brief us on their organization objectives, goals, and how the quality of the work of the former NUMARC will continue unabated and unaffected by public affairs considerations and whatever else you care to say, Mr. Bayne.

We are, of course, very interested in the interface and how our interface with the industry might be affected by this organization. I understand copies of the viewgraphs are being made available.

Commissioners?

COMMISSIONER ROGERS: Nothing.

CHAIRMAN SELIN: Fine.

Mr. Bayne, the floor is yours.

MR. BAYNE: Thank you. Good morning, Mr. Chairman, Ms. de Planque, Mr. Remick, Mr. Rogers.

For the record, my name is Phillip Bayne and I'm President and Chief Executive Officer of the Nuclear Energy Institute. With me today is Joe Colvin. Certainly he needs no introduction here at

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1 the Commission, but I'd like to introduce him to you  
2 with his new title, Executive Vice President of the  
3 Nuclear Energy Institute.

4 I'd like to thank you for inviting us here  
5 today and giving us the opportunity to familiarize you  
6 with our new trade association. The Nuclear Energy  
7 Institute was officially launched just two weeks ago,  
8 on March 16th. The Institute incorporates three  
9 Washington-based organizations and part of a fourth,  
10 the Nuclear Management and Resources Council, which  
11 manages generic, regulatory and technical issues; the  
12 nuclear activities of the Edison Electric Institute,  
13 which include programs in nuclear waste, economic  
14 issues, and nuclear fuel supply; the American Nuclear  
15 Energy Council, which was responsible for government  
16 affairs; and the U.S. Council for Energy Awareness,  
17 which conducted a national communications program.

18 Now that all of these functions are  
19 pulling together in one organization, we envision a  
20 more coordinated approach to the complex challenges  
21 facing our industry. No longer is it enough for us to  
22 practice issues management, government relations or  
23 communications as discreet activities and still expect  
24 to meet the challenges of the spent fuel disposal or  
25 the pressures of cost competitiveness. A massive and

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1 concerted effort to resolve these often political  
2 issues has become essential.

3 We sincerely believe that the challenges  
4 facing the U.S. nuclear industry can be met. It will  
5 take the cooperation of all the nuclear utilities and  
6 all other nuclear-related firms as the Nuclear Energy  
7 Institute can serve as a catalyst for making that  
8 happen.

9 I also believe that even with all the  
10 structural change brought about by our consolidation  
11 of the organizations, we have retained enough of our  
12 previous method of operation, especially in the areas  
13 of interest to you, the technical and regulatory  
14 arena, that you will notice little, if any, change.  
15 The professionalism you have come to expect from your  
16 interactions with NUMARC on generic regulatory and  
17 technical issues, as well as with the USCEA on  
18 material licensing issues, remains intact.

19 Our primary purpose at the new NEI is to  
20 foster and encourage continued safe utilization and  
21 development of our nuclear energy in order to meet our  
22 nation's energy, environmental and economic goals. We  
23 support the nuclear energy industry by providing  
24 policy direction in critical areas, including  
25 regulation, legislation, congressional awareness and

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1 acceptance, waste disposal and transportation. Of  
2 particular interest to you, our mission statement  
3 calls for us to provide a unified nuclear energy  
4 industry approach to address and resolve nuclear  
5 regulatory issues and related technical matters in  
6 order to facilitate high levels of reliability and  
7 economic efficiency in nuclear power plant operations.

8 Three broad issues have been assigned.  
9 The highest priority at the NEI are economics and  
10 competitiveness, interim and permanent disposal of  
11 high-level nuclear waste, and development of low-level  
12 radioactive waste disposal facilities.

13 (Slide) I'd like to illustrate using the  
14 NEI organization chart now how we plan to bring our  
15 resources to bear on these priority issues. First  
16 you'll notice that Joe Colvin provides executive  
17 direction for the three groups responsible for  
18 managing the issues. The technical regulatory group  
19 essentially embodies the function of the former  
20 NUMARC. Bill Rasin and Tom Tipton, who you know, are  
21 Vice Presidents within the Technical and Regulatory  
22 Group.

23 The manner in which you interact with NEI  
24 on the resolution of generic technical and regulatory  
25 issues will remain unchanged from the relationship you

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1 have had with NUMARC. The capability to draw on  
2 industry expertise also will not change. The primary  
3 difference you and your staff will notice is a simple  
4 change in the acronym. NUMARC will now be NEI.

5 The other two groups reporting to Joe  
6 Colvin are Nuclear Waste and Nuclear Economics.

7 I mentioned the three priority issues  
8 facing the industry, high-level, low-level waste and  
9 economics. You can see that the industry considers  
10 them of such significance that we've made them  
11 separate divisions in our new organization. Joe  
12 Colvin will elaborate on the importance of these  
13 issues in just a few minutes.

14 CHAIRMAN SELIN: Mr. Bayne, were these  
15 three all parts of NUMARC before or did they  
16 incorporate activities that have come from EEI or any  
17 of the other predecessor agencies?

18 MR. BAYNE: The waste and economic issues  
19 were embodied in all of the other organizations and,  
20 frankly, in some instances caused some confusion  
21 because you would get three or four different opinions  
22 on each subject, depending on which organization you  
23 were dealing with. So, by putting them all in one  
24 group, we hope to focus our attention and thereby  
25 become more efficient in dealing with those issues.

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1                   CHAIRMAN SELIN: So, basically, it appears  
2                   that all of the substantive work, whether it was done  
3                   in Edison or in NUMARC or anyplace else will now be  
4                   part of Mr. Colvin's responsibilities.

5                   MR. BAYNE: Yes.

6                   CHAIRMAN SELIN: And the other three  
7                   groups would be dealing with various communications  
8                   and --

9                   MR. BAYNE: Support functions. They will  
10                  support the other issues.

11                  The industry, like the NRC has recognized  
12                  the importance of proper communications and  
13                  interaction with Congress and the public at large on  
14                  major issues facing this industry. Only through  
15                  openness, and I've heard you say that many times, only  
16                  through openness can we obtain the understanding and  
17                  cooperation of these important players. That's why  
18                  we're calling upon the resources of the support  
19                  groups, government relations, media, public relations  
20                  and industry communications and publications which  
21                  will report directly to me. We intend to matrix those  
22                  resources, the resources of those groups, into the  
23                  waste and economics groups to ensure the proper show  
24                  of support.

25                  Overall governance of the Nuclear Energy

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1 Institute is provided by a 60 person Board of  
2 Directors comprising the Chief Executive Officers of  
3 all 44 nuclear plant licensees, plus representatives  
4 of other segments of the industry. A 15 person  
5 executive committee will provide day to day  
6 governance. This structure provides for active  
7 involvement and leadership of every licensee's CEO.  
8 I can assure you from my interactions with them during  
9 the formation of the Institute, the interest and  
10 commitment from CEOs and ensuring the competitiveness  
11 of nuclear energy and in seeing the government take  
12 title to fuel beginning in 1998 is extremely high.

13 I'm pleased to report that they will play  
14 an active role in NEI. Equally important, we will  
15 retain the active involvement of all chief nuclear  
16 officers as well.

17 The Nuclear Energy Institute is a diverse,  
18 yet cohesive organization. Our 400 members represent  
19 the many facets of the nuclear industry from the  
20 United States and around the world. Along with our  
21 utility, architect engineer and SSS supplier members,  
22 our membership base includes a large number of  
23 material licensees, fuel cycle suppliers,  
24 radionuclides and radiopharmaceuticals. Our  
25 membership also includes financial analysts, labor

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1 unions, law firms, consultants and international  
2 members from both the public and private sector.

3 NEI's major focus is to provide a forum  
4 which brings these people together and addresses their  
5 concerns. It allows us to bring together all the  
6 players to address the major issues facing our  
7 industry. Resolving these issues will require all the  
8 resources of the industry and NEI provides the vehicle  
9 for applying those resources.

10 We look forward to a continuation of  
11 professional relationship that our predecessor  
12 organizations have developed with the Commission.

13 I'd like to turn it over to Joe Colvin and  
14 he'll provide you with more in-depth information about  
15 the operation.

16 CHAIRMAN SELIN: What are the names on the  
17 chart? Who is your chairman? Who are the vice  
18 presidents?

19 MR. BAYNE: The Chairman is Linn Draper  
20 and the Vice Chairman is Jim Howard of Northern States  
21 Power. I'll try to recall the 15 member --

22 CHAIRMAN SELIN: Don't do that. You'll  
23 remember 13 of them and you'll get in deep trouble at  
24 that point.

25 MR. BAYNE: Well, we'll provide you with

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1 that information, both the Board of Directors and the  
2 Executive Committee.

3 CHAIRMAN SELIN: And the Vice Presidents  
4 for Nuclear Waste and Nuclear Economics?

5 MR. BAYNE: The Vice President for Nuclear  
6 Waste is Ted Garrish, who used to be with the American  
7 Nuclear Energy Council, has been very active in our  
8 initiatives out in Nevada, trying to get Yucca  
9 Mountain characterized. The Economics Vice President  
10 is Marvin Fertel, who used to handle the technical  
11 part of USCEA and has been very active in the  
12 financial community.

13 CHAIRMAN SELIN: While you're at it, you  
14 might fill in the support vice presidents also.

15 MR. BAYNE: Okay. The support vice  
16 presidents, the Government Affairs we have an acting,  
17 Tim Smith. He certainly is one of the candidates, but  
18 we are looking for a candidate for that. The  
19 President of ANEC decided to do other things and has  
20 gone on. The Media and PR is Carl Goldstein, who used  
21 to be with CEA. The Industry Communications and  
22 Publications is Richard Myers and I've asked -- we  
23 have also a vacancy in the Technical and Regulatory  
24 area. I've asked Joe to double head that.

25 COMMISSIONER REMICK: Phil, what's the

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1 criteria for membership in NEI? It looks like a  
2 larger membership certainly than was in NUMARC. And  
3 what kind of criteria are used for who can be a  
4 member?

5 MR. BAYNE: Well, we have a membership  
6 application which any firm that believes it has an  
7 interest in the nuclear energy business could apply  
8 for membership. Many of our members -- we feel that  
9 a broad base of membership is important because it can  
10 provide a forum for all of the issues involved with  
11 nuclear energy. Anybody who believes he has an  
12 interest in that can apply for membership. The  
13 membership is approved by the Board. We feel very  
14 strongly that there are issues that cut across the  
15 whole industry that we have to deal with and we're  
16 very happy to have that broad base of membership  
17 because I think it gives us more focus and we're able  
18 to deal with all the issues that come up.

19 COMMISSIONER REMICK: You mentioned that  
20 you have some material licensees. Am I correct  
21 they're primarily large material licensees like the  
22 radiopharmaceutical firms and fuel cycle facilities?

23 MR. BAYNE: That's correct.

24 COMMISSIONER REMICK: But not small  
25 material licensees?

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1 MR. BAYNE: We have small material  
2 licensees who are members and we certainly pay  
3 attention to what they say. We have methods -- across  
4 the organization we have advisory groups that keep us  
5 abreast of what is of interest to all classes of our  
6 members.

7 COMMISSIONER REMICK: Could you give me,  
8 without mentioning necessarily the names, but the type  
9 of small material licensees that would be members?

10 MR. BAYNE: I'll have to get back to you  
11 with that.

12 COMMISSIONER REMICK: Okay. All right.

13 MR. BAYNE: I don't have it on the tip of  
14 my fingers.

15 COMMISSIONER ROGERS: What's the function  
16 of the research vice president? What are the  
17 responsibilities there? What does that involve?

18 MR. BAYNE: Well, that involves  
19 intuitively when you communicate with the public or  
20 with Congress or with anyone else, if you fly by the  
21 seat of your pants in how you intend to communicate  
22 with people, frequently you get a result that you  
23 don't -- that that's not what you expect. One that  
24 comes to mind is the old saw that you get more  
25 radiation from standing in Grand Central Station than

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1 you get from standing near a nuclear plant. Everybody  
2 thought, "Well, gee, that will make people feel good  
3 about nuclear plants." Well, actually it didn't make  
4 them feel good about nuclear plants and didn't make  
5 them feel good about Grand Central Station either.

6 So, we have learned over the years that we  
7 need to have someone to -- whenever we're talking to  
8 the general public and we think it's very important  
9 that we talk to the general public, we need to know  
10 what kind of reaction we'll get. So, we test our  
11 messages very carefully. We also need to know what  
12 the general public thinks about our industry, so we  
13 test that very carefully. When we were in the  
14 advertising business, which we're not in very much  
15 now, but it was very important to test the advertising  
16 to see if it was going to do what you intended it to  
17 do.

18 So, we have put that on the chart where it  
19 is because we feel that message research is important  
20 to support every other function of NEI.

21 COMMISSIONER ROGERS: And who is the vice  
22 president now?

23 MR. BAYNE: That's Doctor Ann Bisconti,  
24 who is internationally renown in the field of  
25 research.

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1 Thank you. I'd like to introduce Joe.

2 MR. COLVIN: Good morning. Mr. Chairman,  
3 Commissioners, I'd like to second Phil's comments  
4 about the professional relationships we've developed  
5 in working with the Commission and staff. Certainly  
6 we want to not only maintain those relationships, but  
7 expand on those and build and improve them for the  
8 future.

9 I think the most significant change that  
10 the Commission and the staff is going to see, at least  
11 initially, is I think an increase in effectiveness of  
12 the programs and activities in the interactions we've  
13 been dealing with the Commission. As Phil indicated,  
14 as an example, in dealing with the generic technical  
15 and regulatory issues for the commercial nuclear power  
16 plant licensees through NUMARC, we interacted with you  
17 and USCEA and in some cases the Edison Electric  
18 Institute interacted with the Commission on behalf of  
19 fuel cycle or material licensee issues. Now you're  
20 going to see an interaction from the Nuclear Energy  
21 Institute as one unified organization. So, I think  
22 that will not only improve our effectiveness, but our  
23 capability of interacting with you on a day to day  
24 basis and also probably improve your effectiveness in  
25 figuring out who you need to contact. At least you

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1 only have to call one phone number now.

2 The other thing is that -- and I'll talk  
3 more in a few minutes, as Phil indicated, is the  
4 industry integrated efforts in trying to resolve some  
5 of the economic issues as well as some of the complex  
6 issues surrounding the high-level and low-level waste  
7 activities, and I'll try to comment more on those in  
8 a minute.

9 I think the key that Phil indicated that  
10 I need to reinforce is that many of the things and the  
11 ways we interact with the Commission will not change.  
12 Primarily, the continuing ability that we will use to  
13 draw in the expertise of the industry on the issues of  
14 importance to both the industry and the Commission to  
15 try to build that broad-based support and involvement  
16 of the people that have the responsibility to operate  
17 the commercial plants.

18 In the safety, licensing and technical  
19 area, we will retain the capability to speak as the  
20 industry with one voice to the Commission on those key  
21 issues and certainly we'll continue the interface at  
22 all levels within the Commission, senior staff and  
23 management of the staff, probably the easiest by  
24 example to explain and reinforce how we intend to  
25 continue interfacing with the Commission.

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1           As I said, we're going to retain the  
2 mechanism for bringing on board the entire industry  
3 when we need to on an issue. To do that, we intend to  
4 create an advisory committee in many ways similar to  
5 the mix that we had within the old NUMARC Board of  
6 Directors. That will be composed of each chief  
7 nuclear officer, or the chief nuclear officer from  
8 every nuclear utility so that we can actually get that  
9 focused to deal with the issues of importance. When  
10 we need to move as an industry with one issue, we're  
11 going to retain the 80 percent vote process that we  
12 have, which will -- when we take that action, each  
13 utility commits to each other to implement that action  
14 on behalf of the industry. We will communicate that  
15 and continue to communicate those commitments to the  
16 NRC.

17           I think we appreciate and recognize the  
18 importance the Commission has placed on the industry  
19 commitments made through that process and taking that  
20 into account within your regulatory decision making,  
21 and certainly we want that to continue.

22           For example, and just by way of example,  
23 when we did that in the past in the area of outage  
24 planning and shutdown risk areas, we developed a  
25 guideline through the industry working group on that

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1 issue, developed that guideline and that was a  
2 commitment taken by each utility to implement that.  
3 We do the same thing in procurement and many other  
4 areas. Each utility then took those guidelines,  
5 reviewed their programs and activities against those  
6 guidelines and then made the changes to their programs  
7 consistent with those guidelines and I think that has  
8 been certainly recognized by the staff as I've  
9 indicated. That process will continue within NEI.

10 The other thing which is the key to doing  
11 this work is to retain the industry expertise and  
12 involvement in these processes. We have a small staff  
13 in Washington, but what we have is the ability to  
14 leverage the resources of that staff by drawing upon  
15 the entire industry, as Phil said today. In the  
16 technical and regulatory area, that's primarily, at  
17 least within the commercial nuclear power side,  
18 primarily the 44 licensees and the people within their  
19 companies, the major architect/engineering firms and  
20 the suppliers, but we were able to also tap into the  
21 other parts of the industry that NUMARC, as an example  
22 in the past, really did not -- was not able to  
23 leverage into those issues. I think we will gain a  
24 lot of advantage from listening to those various  
25 aspects and issues from the other people that are

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1 supporting the industry.

2 In addition, because we are focusing on  
3 those very important issues, we have the active  
4 involvement, as Phil indicated, from the chief  
5 executive of each of these companies down through the  
6 companies. So, we have the industry able to fully  
7 support the issues that it feels are important.

8 When we get into an issue like we did with  
9 the working with the Commission in the area of trying  
10 to come up with a method to implement the NRC's  
11 maintenance rule in a way that the industry could take  
12 full advantage of and that was approved and recognized  
13 by the Commission, we'll continue to bring those types  
14 of experts together, the executives and the managers  
15 with that type of talent to do that kind of work. So,  
16 I assure you that that will continue.

17 What I'd like to do is shift for a minute  
18 into the two areas on the chart that are in some ways  
19 some new responsibilities, although I've been  
20 certainly involved in the economics area, but the area  
21 of nuclear waste and I'd like to discuss those for a  
22 moment briefly.

23 The significance of both, as Phil  
24 indicated, are really recognized within the structure.  
25 And one of the things we want to do with that

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1 structure is, in fact, integrate those activities  
2 across the organization. An example if you looked at  
3 that chart, the organization chart, where we have  
4 those resources to support the waste area, we want to  
5 bring in the technical and the regulatory licensing  
6 experience and to support the activities in that area  
7 in the way that we would provide that same support if  
8 we were addressing solely just a generic technical  
9 issue.

10 In each case we've got a dedicated staff.  
11 We're working on the approach to try to matrix that  
12 and draw upon the organization.

13 Let me talk first about the strategic  
14 plan, the issue areas of economic competitiveness,  
15 just make a few comments. I think at the heart of the  
16 efforts that we have in the economics area is focused,  
17 they are focused by the strategic plan. It has three  
18 parts. The first part really deals with how do we  
19 improve as an industry some of the operational cost  
20 effectiveness? These are really areas where a utility  
21 can go in and look at what it can do to improve its  
22 operation, to improve its availability capacity factor  
23 or the new term, capability factors, streamline work  
24 processes and areas like that. We're making  
25 significant improvements I think across the industry.

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1 The results are being demonstrated by the performance  
2 indicators, I believe, and as I understand from Zach  
3 Pahe, as transmitted to the Commission, the INPO  
4 annual report which contains the update for the 1993  
5 performance indicators.

6 Just as an example in those two areas, in  
7 the unit capability factor area, we have gone from --  
8 we reached a capability factor in 1993, median  
9 capability factor of just over 77 percent, which is  
10 just within hailing distance, I believe is the term  
11 sometimes used at this table to the 80 percent goal  
12 that we've established for 1995.

13 Probably more importantly, and I think a  
14 more important indicator to the reliability area where  
15 we're looking at so closely and focused in the area of  
16 maintenance is the unplanned capability loss factor or  
17 in the past we talked about that as forced outage  
18 rates and things like that. This year, and actually  
19 our 1993 data shows the median was at 4.3 percent,  
20 which is below our 4.5 percent goal that we  
21 established for 1995. That's a clear indicator of how  
22 well we're doing the maintenance and how well we're  
23 affecting the reliability of these units. So, we're  
24 very encouraged and we're seeing a lot of activity  
25 within each of the utilities to kind of deal with

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1 those issues and make improvements in reengineering  
2 work practices and things in that area.

3 CHAIRMAN SELIN: You sort of indirectly  
4 suggested a question. Do you see any difference in  
5 relationship between the activities of the NEI with  
6 INPO from the relationship that NUMARC had with INPO?

7 MR. COLVIN: No. Actually, I see just an  
8 improvement from INPO's perspective. As you recall,  
9 INPO and NUMARC had a very close working relationship  
10 to try to take advantage of their expertise within the  
11 operations and management area in the same way that  
12 NUMARC had relationships with the Electric Power  
13 Research Institute in the technical research and  
14 development work. In fact, Phil didn't indicate it,  
15 but the Executive Committee of the NEI Board of  
16 Directors has on that as ex officio members the  
17 President of INPO, the President of EPRI and the  
18 President of Edison Electric Institute.

19 MR. BAYNE: And we also have APPA  
20 representative and RECA and NEI represented. So, we  
21 have every utility in the Unites States represented on  
22 the Executive Committee.

23 CHAIRMAN SELIN: Well, there's a specific  
24 area that's going to become of more interest is as the  
25 maintenance rule gets closer and our needs for

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1 reliability data become greater, it's technically  
2 convenient to use an extension of the NUMARC -- I mean  
3 of the INPO data system and yet that's a regulatory  
4 function and not an operational function. So, we will  
5 end up communicating with both agencies and we want to  
6 make sure that they communicate well with each other.

7 MR. COLVIN: Yes, sir, and our people both  
8 within INPO and now within NEI are working together on  
9 these issues, such as implementation of the  
10 maintenance rule and the reliability issues.

11 CHAIRMAN SELIN: But I'm talking about  
12 specifically expanding NPRDS to provide the data that  
13 we need, if the industry chooses that to be the thing.  
14 We're not going to mandate that that be the source,  
15 but it seems sort of a natural place to get the data.  
16 We do require quite extensive data that we haven't  
17 required in the past to support the maintenance rule.  
18 So, there's in effect a regulatory discussion  
19 presumably with NEI and a technical discussion with  
20 INPO. We want to make sure that the industry looks at  
21 this as a unitary discussion.

22 MR. COLVIN: Yes, sir. We certainly will  
23 do so.

24 CHAIRMAN SELIN: Okay.

25 MR. COLVIN: The second area of the

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1 strategic plan, just to move through that, if you may,  
2 is an area talking about how to improve the way we as  
3 licensees, both the licensees and other entities  
4 interact with the Commission and other external  
5 entities such as the rate commissions, the public  
6 service commissions, public utility commissions. We  
7 are working with the NRC in a number of areas related  
8 to this and two of the key areas are commitment  
9 management. We have efforts within NEI that were  
10 follow-on efforts from NUMARC to try to work with the  
11 staff to come up with how do we manage these  
12 commitments, what do we really mean by it, and I think  
13 we're starting to see some real progress in those  
14 areas.

15 Another area, for example, is to try to be  
16 complementary and support the efforts of the  
17 Commission on the cost beneficial licensing actions.  
18 Probably one major focus we're working on is how can  
19 we and the Agency take advantage of the decision for  
20 one utility and for a specific license and utilize  
21 that to the benefit of other licensees without  
22 unnecessarily wasting any resources. So, we're having  
23 some very positive discussions in those areas.

24 The third area is really if you want the  
25 future focus, which is in the area of regulations and

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1 regulatory processes. For the most part, we're really  
2 looking at the risk-based performance-based approach  
3 to regulations and what we can do and we have some, as  
4 you know, very major project working with the staff  
5 now in the QA area, an integrated approach to quality  
6 assurance, trying to take in the risk and performance-  
7 based activities in there. I think that has a real  
8 promise to provide benefit for both the regulatory and  
9 each licensee.

10 Let me shift to nuclear waste for an area.  
11 I must admit I'm becoming more involved daily and I  
12 certainly would not want to be called an expert in  
13 this area, but this is an area that, as Phil  
14 indicated, a very high priority for the industry. At  
15 the top of the list within the waste area is the issue  
16 of progress towards final disposal of the high-level  
17 waste. As you know, we spent as ratepayers and as  
18 utilities more than about \$8 billion so far in the  
19 Waste Fund. We see the need to have more dollars flow  
20 from that fund into the characterization and to  
21 support the efforts at Yucca Mountain. So, we're  
22 working with the Department of Energy and the Congress  
23 to figure out how to do that in a way that will  
24 support the activities necessary.

25 The focus that we can apply in the waste

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1 area through the waste group and the support it will  
2 be provided through the other matrix resources of NEI  
3 and the rest of the industry I think will really help  
4 us to develop those kinds of solutions. We're also  
5 working very closely with EPRI and the efforts in the  
6 National Academy's panel to develop a standard for the  
7 Yucca Mountain characterization and we look forward to  
8 working with the Commission and the staff in those  
9 areas. An area where we really haven't given as much  
10 attention in the past as is needed. I think we're on  
11 the verge of moving into that very quickly.

12 The one area from an industry perspective  
13 that needs immediately resolution is the issue of 1998  
14 waste acceptance. Really the key to that is the  
15 removal of spent fuel from reactor sites beginning in  
16 1998 and that's a priority issue for the industry and  
17 an objective that we need to deal with for both the  
18 utilities, the ratepayers, the public service  
19 commissions, et cetera.

20 We see that a facility may not be ready in  
21 1998 and DOE suggested some compensation as a way of  
22 equity relief. But the industries and the licensees  
23 in this area are unanimous that compensation alone  
24 without a plan to actually move fuel will not achieve  
25 the goals that we believe are necessary. We're also

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1 working to see that the coordination of interim  
2 storage with final disposal of spent fuel is taken  
3 care of in a fully integrated program. We need to  
4 make sure that we move forward in that area.

5 CHAIRMAN SELIN: I don't understand what  
6 that means. I understand each of the words in that  
7 sentence, but when you put them all together --

8 MR. COLVIN: That's probably not the first  
9 time that I've done that. But if you really look at  
10 the -- what we're talking about, if you go back to the  
11 1983 Nuclear Waste Policy Act and the decision making,  
12 I think we were all thinking that we would have a  
13 place at a permanent repository and DOE in 1998 would  
14 start accepting fuel. Given that DOE statements are  
15 that we are not going to have a permanent repository  
16 by 1998, then now the discussions are more related to  
17 how do we take care of the interim storage issue  
18 between now or between 1998 in particular and the time  
19 that we have a permanent repository operating? So,  
20 what we want to do is try to integrate the activities  
21 with DOE so that we take care of the interim storage  
22 issue in a complementary way to the final repository  
23 issue without necessarily having to pay through the  
24 Waste Fund for a duplicative or overlapping program.

25 CHAIRMAN SELIN: So, let me just -- there

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1 are three elements that I see. Let me just ask you  
2 how you handle them. First is sort of the more  
3 standard government relations question which is if  
4 individual utilities do dry cask storage, how will  
5 they -- will they have to pay for that plus the Waste  
6 Fund? That's sort of a normal government relations  
7 issue.

8 The second is a more complicated one,  
9 which is if one of these more privatized ventures for  
10 an MRS goes through, how will DOE react to that, how  
11 will NRC react to that? There's some business piece  
12 in there, but it's still more complex, but it's still  
13 a government relations question. Could the Waste Fund  
14 get some credit against that? What kind of regulatory  
15 treatment would that get?

16 The third is really a business. If the  
17 industry decides to take a much more aggressive role  
18 in privatizing what has been a government function,  
19 which is not just to try to make a side deal with the  
20 Mescalero Apaches, but build and operate centers of  
21 some kind, would your organization be involved in the  
22 business side of things or would that still be done by  
23 northern states as a kind of outside but court entered  
24 with the --

25 MR. BAYNE: I don't think our organization

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1 would be involved in the business side of it. Our  
2 organization would be involved in supporting it  
3 because our members want us to support it. So, we  
4 would support it in a government relations aspect. We  
5 would support it in a communications aspect. We would  
6 certainly help to support the licensing efforts that  
7 would be involved with something like that.

8 CHAIRMAN SELIN: But if a venture is set  
9 up to do the business side, trying to figure out how  
10 to charge for this and things like that would be  
11 outside your --

12 MR. BAYNE: Yes, it would. If you look at  
13 our mission, that's not a part of our mission.

14 CHAIRMAN SELIN: Okay. A related  
15 question. What organization do you see outside the  
16 staff, in other words among the utilities, to support  
17 your nuclear waste operations? Do you have a special  
18 advisory group?

19 MR. BAYNE: We will have an advisory group  
20 for each of the major functions that were on the  
21 organizational chart. We are in the process -- I wish  
22 I would have been able to come here today and tell you  
23 what those advisory groups would be, but we're in the  
24 process of developing those now and we need a little  
25 bit of time to involve our membership in developing

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1 that structure.

2 CHAIRMAN SELIN: Will your Board itself  
3 have subcommittees to deal with waste or things like  
4 that?

5 MR. BAYNE: No. These advisory committees  
6 will report to me and I'll report to the Board.

7 CHAIRMAN SELIN: So they're not  
8 subcommittees of the Board to oversee say the waste  
9 activities or --

10 MR. BAYNE: That is still being devised.  
11 My thoughts are they would report to me, I would  
12 report to the Board. There are some people on the  
13 Executive Committee feel that the advisory committees  
14 will report to the Executive Committee and it's part  
15 of starting up a new organization. You have to  
16 determine those things.

17 MR. COLVIN: Mr. Chairman, I think it's  
18 clear though that, to add on to Phil's comment, that  
19 certain CEOs that are now members of the Board will be  
20 involved in some of these key advisory committees and  
21 activities. I think that's essential that we have --

22 MR. BAYNE: I think I ought to make the  
23 point that one thing that is definite, every advisory  
24 committee will be chaired by a member of the Executive  
25 Committee and we'll also have a vice chair who's a

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1 member of the Executive Committee. So, from that  
2 aspect, there will be direct guidance from the CEOs.

3 CHAIRMAN SELIN: Phil, here's our advice,  
4 take it or leave it as you see fit. But we do sit on  
5 the Executive Committee, a conversation like that.

6 MR. BAYNE: Right.

7 CHAIRMAN SELIN: Okay.

8 MR. COLVIN: Mr. Chairman, I've concluded  
9 my remarks. At this point I would --

10 CHAIRMAN SELIN: You were going to talk  
11 about the transportation.

12 MR. COLVIN: Oh, yes, sir, I apologize.  
13 I was just going to make a brief comment to say that  
14 we are working very closely with DOE to try to support  
15 the transportation infrastructure and try to support  
16 their program on moving forward in the development of  
17 the multipurpose containers. That's also of high  
18 priority within the transportation area.

19 With that, I can just assure you that we  
20 have a lot on our plate, but I think we've got the  
21 staff, the people, and certainly the support from the  
22 industry to try to bring this about.

23 Thank you.

24 COMMISSIONER REMICK: Just a question that  
25 comes to mind. Certainly NUMARC has in the past and

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1 NEI now comes and addresses the Commission. When you  
2 go to DOE, how do you -- what's your approach to DOE?  
3 I mean what's the format for those type of meetings?

4 MR. BAYNE: Well, they haven't taken place  
5 yet, but it's my goal, as a matter of fact, to within  
6 the next couple of weeks go to DOE and discuss the  
7 same issues with both the Secretary and her staff.

8 COMMISSIONER REMICK: But I assume these  
9 are not public meetings, they're individual meetings.

10 MR. BAYNE: That's correct.

11 MR. COLVIN: Certainly I think we would  
12 have the interactions with the Agency as the Agency  
13 believes is in the best interest --

14 COMMISSIONER REMICK: Right. Sure.

15 MR. COLVIN: -- certainly and support that  
16 as we have in the past.

17 CHAIRMAN SELIN: I think Commissioner  
18 Remick is indirectly suggesting as appropriate to our  
19 Commission that insofar as your interactions with them  
20 could be made public, it would be most valuable to all  
21 the stakeholders. Not necessarily all the meetings,  
22 but progress on the multipurpose canister, for  
23 instance, is something we'd all like to follow as  
24 openly as we could, just as an example.

25 COMMISSIONER ROGERS: What is your planned

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1 relationship with NARUC? I think at the last NARUC  
2 meeting -- I think you were there, Joe. I wasn't  
3 there. I was someplace else, but, that I think was  
4 maybe a first, I don't know, but certainly with the  
5 new organizational hat on, so how do you see your  
6 interaction with NARUC taking place?

7 MR. COLVIN: Well, I think we're going to  
8 see it in several different areas of the organization.  
9 I mean, if I take the NARUC organization and look to  
10 the Subcommittee on Nuclear Issues and Nuclear Waste,  
11 a key focus of that activity is in fact the nuclear  
12 waste issue and the funding aspects and in that area  
13 I would expect that the primary interaction and the  
14 focus would be through our nuclear waste area that's  
15 run under Ted Garrish with support drawing upon the  
16 government relations side.

17 Now there are some other aspects that are  
18 more government relations, state program issues that  
19 would deal with electricity issues but electricity  
20 issues that are focused from nuclear generating  
21 stations and that would be more likely a governmental  
22 relations area issue with support and involvement also  
23 and coordination certainly with Edison Electric and  
24 other organizations.

25 MR. BAYNE: As its individual parts before

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1 we were joined together, NEI supported NARUC and  
2 supported the dialogue process that just recently  
3 resulted in the NARUC resolution concerning waste  
4 issues. And at its first meeting, NEI's Executive  
5 Committee passed a resolution very similar to the one  
6 that was passed by NARUC at the request of NARUC, so  
7 there is a lot of cooperation between -- there was a  
8 lot of cooperation between the former organizations  
9 and there will continue to be a lot of cooperation  
10 between NEI and NARUC.

11 COMMISSIONER ROGERS: The one other area  
12 of general interest that you've mentioned, touched on,  
13 but my own experience is that there could be some more  
14 attention paid there, is the interface with EPRI,  
15 particularly things like the waste issues. In some of  
16 my visits out there and talking with people, I had the  
17 impression that there is a bit of a disconnect between  
18 them and us, on one hand, and maybe with others in the  
19 industry as well that needed to be tightened up. I  
20 had the general feeling that some positions that  
21 people had out there came from past history, rather  
22 old, not very up to date, and that there was plenty of  
23 opportunity to try to improve a dialogue there and  
24 resolve some questions of disagreement that had just  
25 been floating around for a long time without being

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1 really addressed very directly.

2 MR. BAYNE: There is in the mill a draft  
3 paper on cooperation between EPRI and NEI, INPO and  
4 NEI, EEI and NEI, and we are trying to formalize that  
5 cooperation to make it more effective. I will now go  
6 to the board meetings of INPO. I'll go to the board  
7 meetings of EPRI, and their presidents will come to  
8 our Executive Committee meeting. That's just the  
9 informal part of it. There will be a more formal  
10 part. It's still being massaged, but you can rest  
11 assured that we see and the Executive Committee and  
12 the Board see that as a very important function of  
13 NEI, to cooperate with all those other organizations.

14 COMMISSIONER de PLANQUE: While we're  
15 talking about interrelationships, interactions, some  
16 of your component parts in their former lives did have  
17 some connections with some of the professional  
18 societies. Given the broad scope of membership that  
19 you have now, radiopharmaceuticals, research groups  
20 and so forth, what, if any, interactions do you see  
21 with some of the professional societies like the  
22 Society for Nuclear Physicians or IEEE or ANS or any  
23 of those?

24 MR. BAYNE: The coalition that was  
25 recently developed by USCEA or those organizations for

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1 a rational solution to low-level waste is continuing  
2 and, as a matter of fact, is expanding. We recently  
3 got as members ANS in that coalition and also the  
4 American Medical Society, which expands the membership  
5 considerably. It supports a rational approach to  
6 siting low-level waste facilities around the country.  
7 I see things like that improving. I really do.

8 MR. COLVIN: Just to add on to Phil's  
9 comment about the Coalition, we have had interactions  
10 within the other organizations with the professional  
11 societies, American Nuclear Society, ASME and so  
12 forth. We are continuing that in the technical  
13 regulatory area and we've had recent interactions with  
14 the president and the incoming president of the ANS,  
15 as an example, to try to build that bridge of  
16 cooperation as Phil indicated in these other areas and  
17 to broaden that. I think by pulling all that together  
18 we've really got an opportunity to move that forward,  
19 so we've got great support.

20 COMMISSIONER de PLANQUE: Just another  
21 very general question. How, if at all, has the nature  
22 of your public relations or communications,  
23 educational activities changed from what they might  
24 have been under CEA? Do you see any differences  
25 coming?

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1                   MR. BAYNE:     I really see that as  
2     improving. We have a person who has been very active  
3     in coalition building. We are about to get another  
4     person on the staff who will be active in that area.  
5     We happen to think that education of the public and  
6     the building of these coalitions is one of our most  
7     major functions to gain support for our industry. I  
8     happen to think that our industry has not been as  
9     effective as it could have been in the past in  
10    explaining why it's important to the economy of the  
11    United States that we maintain this vital industry,  
12    and so we need to work on that.

13                   COMMISSIONER de PLANQUE: Specifically in  
14    terms of written educational or informational  
15    materials, do you foresee a lot of activity in that  
16    area?

17                   MR. BAYNE:     We have done -- it's  
18    surprising to me the amount of material that is  
19    available. We did a survey last year to find out what  
20    is available to the American public. We found there's  
21    a great deal available, but it's not in modern format,  
22    and by that I mean there's a great deal of written  
23    material, but when you teach today's students and talk  
24    to people frequently, written material is not as  
25    effective as a video, some interactive program. We

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1 are lacking in that. We did the survey to see what we  
2 could do to improve it.

3 I wish I could tell you we had some sort  
4 of solution. We don't have a solution, but we haven't  
5 ignored it and we are working on it.

6 COMMISSIONER de PLANQUE: Okay. Thanks.

7 CHAIRMAN SELIN: I have a couple of  
8 comments.

9 I think it's very important, Mr. Bayne,  
10 that you follow up on Commissioner Remick's question  
11 about the materials licensees, obviously for general  
12 reasons, but there's also specific reasons.

13 As the Commission goes more towards  
14 workshops and participatory activities, if there are  
15 classes of licensees for which the NEI can really  
16 speak, you know, mills or mill tailing licensees of  
17 fuel facilities, and therefore, if we could go through  
18 the NEI for representation as we could with power  
19 reactors, that might turn out to be convenient. If  
20 you will end up with a rule like an 80 percent rule  
21 for other classes of licensees, it would be important  
22 for us to know it. It's obviously not critical, but,  
23 as we try to put representative groups together for  
24 some of these other pieces, the question is who are  
25 they representing and who represents them, and so that

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1 would be particularly helpful.

2 On a broad basis, the Commission thanks  
3 you for your presentation. Our only true vested  
4 interest is that we continue to get technical  
5 interaction on regulatory issues, not clouded by  
6 desires to make a particular public statement. We are  
7 very interested, but how you run these other  
8 activities that we've asked about is your business,  
9 obviously, and we're just trying to understand a  
10 little more of the interactions between these pieces.

11 So, we wish you the best of luck and --  
12 well, maybe luck isn't part of it, but success in  
13 carrying out these activities, and do hope that, if  
14 anything, the regulatory interactions will be  
15 strengthened and put on an even more technical basis  
16 than they have in the past.

17 Thank you very much for your appearance  
18 this morning.

19 MR. COLVIN: Thank you.

20 MR. BAYNE: Thank you.

21 (Whereupon, at 9:51 a.m., the above-  
22 entitled matter was adjourned.)  
23  
24  
25

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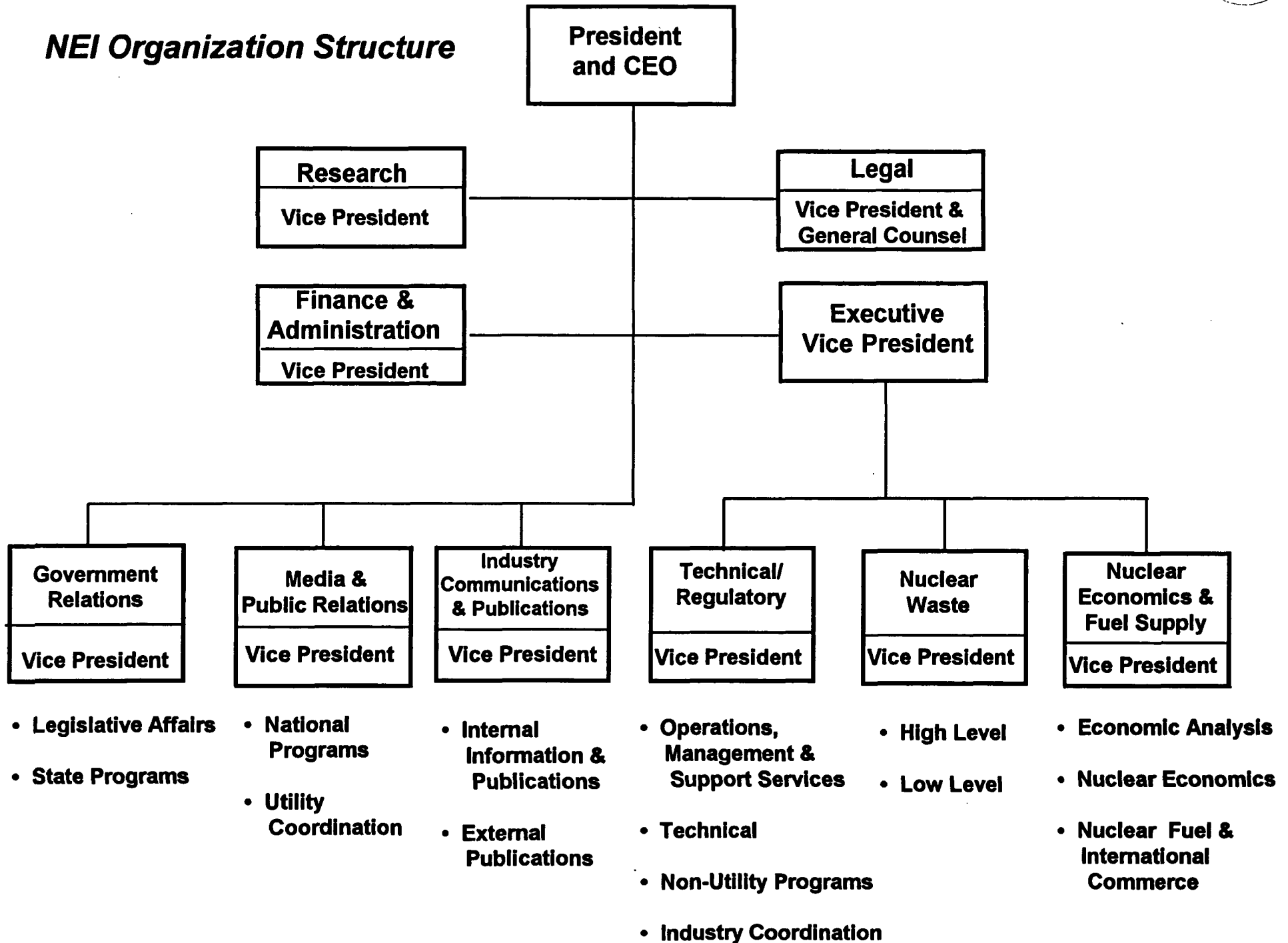
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# NEI Organization Structure



## **NUCLEAR ENERGY INSTITUTE MEMBERSHIP**

- **Nuclear utilities**
- **Manufacturers**
- **Architect/engineers**
- **Labor unions**
- **Radiopharmaceuticals**
- **Nuclear fuel-related businesses**
- **Law firms**
- **Consultants**
- **Financial analysts**
- **Research facilities**
- **Universities**

# **STRATEGIC PLAN FOR IMPROVED ECONOMIC PERFORMANCE**

## **1. Actions to Improve Operational Cost Effectiveness**

- Standardized Industry Practices**
- Economic Performance Measures**
- Operational Design Improvements**

# **STRATEGIC PLAN FOR IMPROVED ECONOMIC PERFORMANCE**

## **2. Actions to Improve Industry Interactions with External Entities**

- Guidelines for Licensee Interaction  
with NRC**
- Management of Generic Issues**
- Development of Public and  
Financial Community Confidence**

# **STRATEGIC PLAN FOR IMPROVED ECONOMIC PERFORMANCE**

## **3. Actions to Improve Regulations and Regulatory Processes**

- Regulatory Threshold**
- Performance- and Risk-based  
Regulations**
- Effective Regulations and  
Regulatory Processes**

# **NUCLEAR WASTE PRIORITIES**

- **Progress toward final disposal**
  - **Adequate funding for Yucca Mountain characterization**
  - **Appropriate licensing approaches and standards for radiation protection**
- **Resolution of 1998 issue**
  - **Integrated spent fuel management, including interim storage**
  - **Support for private interim storage proposals**
- **Transportation infrastructure;  
multi-purpose canister**



# **NUCLEAR ENERGY INSTITUTE MISSION**

**"The purposes of the Institute are to foster and encourage the continued safe utilization and development of nuclear energy to meet the nation's energy, environmental and economic goals and to support the nuclear energy industry..."**