

UNITED STATES
NUCLEAR REGULATORY COMMISSION

+ + + + +

ALL EMPLOYEES MEETING

+ + + + +

MONDAY,
JANUARY 28, 2019

+ + + + +

ROCKVILLE, MARYLAND

+ + + + +

The Commission met in the Grand Ballroom of the Marriott Bethesda North Hotel and Conference Center, located at 5701 Marinelli Road, Rockville, Maryland, at 1:30 p.m., Kristine L. Svinicki, Chairman, presiding.

COMMISSION MEMBERS:

KRISTINE L. SVINICKI, Chairman

JEFF BARAN, Commissioner

STEPHEN G. BURNS, Commissioner

ANNIE CAPUTO, Commissioner

DAVID A. WRIGHT, Commissioner

ALSO PRESENT:

MARGARET DOANE, Executive Director for Operations

SERITA SANDERS, NTEU Local 208

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

2 (1:31 p.m.)

3 DIRECTOR DOANE: Good afternoon. So I know a few
4 of you are still taking your seats, but we're going to get started so that we
5 have the maximum amount of time to interact with the Commission.

6 Welcome to the 27th annual all hands meeting of the
7 staff and the Commission. This is a public meeting so I would also like to
8 welcome any members of the public and media who might be present.

9 I would like to thank all of you for attending and a special
10 thanks to the members of the Commission for your continued support of
11 this important event and taking the time to meet with us and discuss
12 topics that are of great interest to us all.

13 In addition to those of us in headquarters attending this
14 meeting in person our colleagues in the regions and the Technical
15 Training Center are viewing this meeting via video broadcast and our
16 resident inspectors are receiving the audio via telephone bridge.

17 The purpose of this meeting remains the same as in the
18 past, to provide an opportunity for communication between the
19 Commission and the staff and for the members of the Commission to
20 share their views with the staff and give us their perspectives on NRC's
21 accomplishments and challenges.

22 The Chairman and each Commissioner will begin the
23 meeting with individual remarks. The remainder of the meeting is
24 reserved for questions and answers.

25 This is a unique opportunity for employees to interact
26 directly with the Commission regarding agency policy and strategy

1 matters. I encourage you to take advantage of it.

2 There are several microphones in the ballroom for your
3 use in asking questions. We have also provided note cards if you would
4 prefer to submit your question in writing.

5 You can pass your questions in writing to one of the
6 volunteer staff so that your question can be read aloud by one of these
7 volunteers. The Regions will also be given an opportunity to pose any
8 questions they have when called upon.

9 If you have a cell phone please turn it off or place it on
10 silent at this time. Meetings such as this would not be successful without
11 the work of our very able volunteers.

12 So I would like to recognize and thank Wendy Reed,
13 Gina Davis, and Gwen Hayden from the NRC Toastmasters Club who
14 are our volunteer readers, as well as other volunteers.

15 I am going to name them, Jackie Nicholson, Debbie
16 Neff, Carol Greenwood, Nancy Turner Boyd, Andrea Wimbush, and
17 Nicole Goldsby, and there are many others behind that and I thank all of
18 you.

19 Thank you also to our sign language interpreter and
20 support from the staff and the Offices of the Secretary, the Chief Human
21 Capital Officer, Administration, and the Chief Information Officer.

22 We sincerely appreciate all of your efforts to organize
23 and provide the technical and logistical supports for today's meetings.

24 Finally, I'd like to recognize the officials of the National
25 Treasury Employees Union who are here with us today. NTEU will have
26 an opportunity to address us near the conclusion of the meeting.

1 It is now my privilege to turn the meeting over to the
2 Commission.

3 CHAIRMAN SVINICKI: Thank you very much for that,
4 Margie, and good afternoon, everyone. Having walked over myself,
5 thank you to the brave souls that walked over and joining us here in the
6 auditorium today.

7 I know we also have the Regions listening in on the
8 telephone lines and as Margie mentioned we'll reach out to them
9 intermittently during the Q&A period just to make certain if they have a
10 question or two that they will know that they are specifically invited to
11 bring forward some questions, and we'll do that when we get to that
12 point.

13 Well I have participated in a good number of these all
14 employee meetings. I look forward to this. It's, as Margie said, truly a
15 unique opportunity over the course of the year.

16 I get a lot of opportunities to talk. I don't know always
17 that I am hitting topics that might be of interest inside our own
18 organization and so this is -- Well, it can be any topic, but it tends to be a
19 kind of an inward-looking Q&A and a dialogue between the Commission
20 and the staff, so I value it from that perspective.

21 We talk about a lot of topics, of course, over the course
22 of the year, but this is an opportunity to scratch that itch. I did meet the
23 readers.

24 I didn't realize they were from the Toastmasters. I was
25 asking them if they had done vocal warm-up exercises to be able to read
26 the questions because I said we do have folks that are kind of shy and

1 don't always want to come to the microphone, but certainly that
2 opportunity does exist if people want to bring forward their questions, but
3 we have the readers as well and if you get their eye they can collect your
4 questions and bring them forward to the Commission.

5 From my standpoint, maybe not so much as Chairman,
6 but as a member of the Commission for a long time and someone who
7 has been working alongside all of you on the Commission for a long time,
8 I think that this is an exciting time in NRC's history.

9 I know they have had other periods like this where it was
10 dynamic and there was a lot of consideration of changing and evolving to
11 meet things that are happening outside of our own organization.

12 I feel very kind of privileged. These types of things when
13 you line up with interesting things going on it's a little bit of a coincidence
14 maybe that you just happen to be there at that time, but I am excited
15 about it from that standpoint.

16 I know that the Commission has a paper specifically in
17 front of it for action that a lot of us refer to as the transformation paper,
18 it's risk-informed decision-making as well, and the Commission -- This
19 week I am determined to put pen to paper, but I have been doing a lot of
20 studying, a lot of reading outside the bounds of the paper, and from my
21 perspective I hope that we can maybe look even to additional areas that
22 the paper did not identify.

23 But I have been telling my colleagues that I would like to
24 bounce some ideas off of them, so I think at the end of the day this is
25 one of those actions by the Commission that will be stronger than any
26 single person's contribution and I am excited about that as well.

1 A lot of what we have in front of us doesn't allow us to do
2 a broad and creative deliberation, so I am very privileged to work with
3 each one of these individuals.

4 I really enjoy the fact that we do bring different
5 perspectives to what we do and it's an opportunity for the whole to be
6 greater than the sum of its parts, so I look forward to that.

7 The staff may be wondering if the Commission is just
8 kind of sitting back on transformation, so I just want to represent from my
9 standpoint we have been talking to each other about this and it's been a
10 very much front of mind and we'd like to I think be able to have the best
11 ideas come forward so that we are able to get to a staff requirement's
12 memorandum that is reflective of all of the good ideas that each of us
13 had and shape it in a way so that we can encourage the staff to continue
14 on some activities.

15 But the other thing to note is that there is a lot happening
16 on innovation and transformation inside the NRC that doesn't require the
17 Commission's deliberation and issuance of direction, so I see that.

18 We had a Commission meeting on the new reactors
19 business line last week and I was reflecting how if you really step back a
20 lot of what's going on there is the bringing of a creative and innovative
21 mindset to the things that we do day-to-day.

22 I think that's always an opportunity that's within our
23 reach is to say this is something that we have done, this is a typical piece
24 of routine work for us, but there are interesting ways to go about it and
25 we can continue to improve upon what we do.

26 So I see it, I kind of feel it sometimes, depending on the

1 room and the topic and the staff that are gathered there and what they
2 are working, but to me it feels very real.

3 I think there is a certain energy around it and I know the
4 Commission looks forward to bringing forward their piece of that as well
5 that we are able to do when we act on that paper.

6 So I do want to hear from all of you and hear your
7 questions, so with that I am going to turn over to my colleague
8 Commissioner Baran.

9 COMMISSIONER BARAN: Thanks. Well, thanks to
10 everyone for being here. I appreciate all of you for taking the time to join
11 us in person and remotely.

12 This annual meeting is a great opportunity for you to
13 share your thoughts about how things are going at the agency and ask
14 the questions you have on your mind.

15 This is my fourth all employees meeting and when I take
16 a step back and look at the changes that have occurred during the time I
17 have been at NRC the magnitude of the change really comes into focus.

18 Since Fiscal Year 2014 NRC's budget has decreased by
19 15 percent and our workforce has declined by 21 percent. That is a huge
20 amount of change in a short period of time.

21 I think we have adjusted well and our budget and staffing
22 need to reflect our workload, but my personal view is that these numbers
23 should start to level off.

24 Going forward for the agency's long-term health I believe
25 we need to bring new talent into the agency through thoughtful external
26 hiring and we need to maintain the NRC's staff's core technical

1 capabilities and safety inspection activities.

2 Since our last all employees meeting a new conversation
3 started about transformation and innovation. In her role as EDO Margie
4 has begun to focus on how we as an agency make decisions and how
5 we communicate with each other and external stakeholders.

6 Regardless of whether we label it transformation or not I
7 think that makes a lot of sense. We need to identify the full range of
8 views early in the decision-making process so that we can fully consider
9 them as we move through the process.

10 Ultimately we want the decision maker, whether it's the
11 Commission or the EDO of a division director, to have an open-minded
12 and thorough analysis of the different options and viewpoints.

13 When we have done that well I know that I have
14 benefitted from it as a Commissioner and there is no question in my mind
15 that it really improves the quality of the decisions we make.

16 Another area where there is a strong case for
17 transformation is how the agency adapts to and prepares for new
18 technologies like non-light water reactors and accident-tolerant fuel.

19 These are areas where our regulations may need to be
20 updated to account for technological changes. That is certainly true for
21 non-light water reactors.

22 Our regulations were written for light water reactors,
23 which make up the entire existing fleet of power reactors, so it makes
24 sense to update those requirements.

25 But I feel strongly that transformation can't be about
26 rolling back safety and security standards. It can't be about fewer

1 inspections or weaker oversight. That would take NRC in the wrong
2 direction.

3 I'd also be wary of making any radical changes to the
4 reactor oversight process because it has generally been an effective
5 safety framework.

6 If we have historically struggled in an area or we're
7 confronting a whole new technology we should consider making big
8 changes to set ourselves up to succeed, but when a process has worked
9 well targeted refinements aimed at solving clearly identified problems
10 make more sense.

11 So as we consider the many ideas for change that have
12 come from within the agency or from external stakeholders we need to
13 be open-minded and also very clear-headed and careful in our
14 consideration of those ideas.

15 You all have a crucial role in that process. We need you
16 to be engaged in the discussion so that everyone's perspective is heard
17 and considered.

18 When we are thinking about making a change our
19 number one concern has to be our safety and security mission.

20 Before I turn it over to Commissioner Burns I just want to
21 express my appreciation for the work you all do every day to support that
22 vital mission. Thank you and I look forward to hearing your thoughts and
23 questions.

24 COMMISSIONER BURNS: Thank you. Thank you,
25 Commissioner Baran and Chairman Svinicki. I am going to just be very
26 brief as I was at that first one. There are a couple others here, I think like

1 Annette probably was down in, I think the Hyatt in Bethesda, so it's been
2 very interesting.

3 And this will be my last one as an NRC employee since
4 my term ends at the end of June this year and I doubt that I am so
5 obsessed that I will come back here next year as one of those hangers-
6 on in the back of the room, whoever you are out there.

7 (Laughter.)

8 COMMISSIONER BURNS: But in any event it's been an
9 interesting journey for me over the years and this is, you know, having in
10 this role being up here listening to the questions from the staff and
11 continue to engage as we have over the years and in different roles and
12 with different responsibilities and I appreciate all you have done and I
13 appreciate the opportunity to have served this agency across the course
14 of my career. Thanks very much.

15 CHAIRMAN SVINICKI: Well I just want to jump in to
16 say, Commissioner Burns, Steve, I really thank you for your service and
17 we'll have many opportunities to recognize that between now and June
18 30th, but thank you very much for that.

19 With that I will recognize Commissioner Caputo.

20 COMMISSIONER CAPUTO: Good afternoon. So this is
21 my first all hands meeting as a Commissioner and I would just like to
22 start by thanking everyone who has worked so hard to give us new
23 Commissioners a warm welcome.

24 It has really been rewarding to join the agency, meet so
25 many of you, learn from you, and I really appreciate how you have
26 welcomed me, shared your expertise, and helped me adjust to the

1 challenges of joining the agency.

2 I think as the Chairman mentioned transformation is
3 certainly something that I spend a fair amount of time thinking about and
4 I think it's a challenge to sort of identify how far we need to reach in
5 transformation versus things that perhaps could be done to just improve
6 every day the way we conduct our business.

7 And, obviously, there are a lot of changes in the industry
8 going on that really drive a certain measure of urgency and us learning to
9 do our jobs better and in the case of some technologies doing it
10 differently.

11 Congress passed a law and the President signed it
12 which I think as I look at it is sort of Congress's and the President's
13 statement on areas where they believe the agency should transform.

14 So obviously front and center with that is advanced
15 reactors and accident tolerant-fuel, but also financial accountability. So I
16 think there are challenges there that we will certainly be working hard to
17 implement over the next year and a half.

18 I really appreciate the EDO's efforts in terms looking at
19 improving our decision making, whether that is in budgeting space, as we
20 are focused on right now with the preparation of the 2020 budget, but
21 also when it comes to issues of substance.

22 One of the key portions of the transformation paper for
23 me is the better use of risk information. That is certainly a challenge that
24 we can strive and improve on every day to use risk information to guide
25 decision making.

26 And for me it really hearkens toward principles of

1 independence and efficiency that the decisions that we're making need
2 to be objective, well founded, well documented, and in line with the risk
3 reduction that they achieve.

4 And I think improving our use of risk information is an
5 enormous tool to improving the quality of our decision making so I
6 appreciate Margie's leadership on that.

7 And with that I think I will wrap it up and turn it over to
8 my colleague.

9 CHAIRMAN SVINICKI: Thank you, Commissioner.
10 Next we'll hear from Commissioner Wright. Please proceed.

11 COMMISSIONER WRIGHT: Thank you. Good
12 afternoon, everyone. Number five here. So whether you are here in
13 person or whether you are on a bridge or listening to it on the phone or
14 something I just want to thank all of you for your participation today and I
15 want to thank you for what you do for the NRC and for the citizens of this
16 country.

17 This, as well as Commissioner Caputo, is my first all
18 hands meeting. I think it's a meeting -- It's a great event as a meeting
19 and it gives you an opportunity to ask us a lot of questions and hopefully
20 we will provide you with appropriate and satisfactory answers, so I look
21 forward to hearing what's on your mind.

22 It doesn't seem like it, but I've been here almost eight
23 months. A couple of days from now it will be eight months. In that time I
24 have made it my personal mission to visit every cubicle and every office
25 on every floor in all the buildings here on the campus at least once trying
26 to meet the people of the NRC, where you work and live and every day,

1 and to thank you for what you do for this agency.

2 It has really helped me understand and appreciate, too,
3 how the agency is laid out, how the agency works, and I've learned to get
4 a good bit about the people, what's important to you and who the people
5 are at the NRC, and I have been impressed by it, too, so thank you for
6 that.

7 I know I have surprised a few of you by my
8 unannounced visits. That's been fun. I'm having a lot of fun with it and I
9 plan to continue doing it so consider yourself warned.

10 I have also made visits to several plants and have had
11 the opportunity to meet resident and regional staff during those visits. It's
12 been helpful to me, I've gained a lot of valuable insights in my
13 discussions with the resident inspectors and with the regional staff.

14 You know, getting tours of the plants and hearing from
15 the people who are the boots on the ground and the front line it really has
16 helped me understand things in a way I just couldn't probably get the
17 ability to understand by just staying in my office.

18 So next up on my agenda are visits to the regions, and
19 some of them are being planned even as I speak. And, you know, before
20 we get into the purpose of the meeting I do want to thank all of you for
21 how you have received me, from the security personnel to the parking
22 garage gentlemen, Tedese and Jose, to Faith in the supply room, to the
23 employees at headquarters and in the regions.

24 To my fellow Commissioners, thank you for all you have
25 done to make this southern guy's transition smooth, and to my Alabama
26 fans, sorry about that, and last but not least I want to thank my staff, the

1 staff of Team Wright.

2 I've got Cathy Kanatas who is my Chief of Staff, Kim
3 Lora and Carmel Savoy are my administrative assistants, Carol Lazar is
4 my legal counsel, Mo Shams is my Reactor TA, and I also have to give a
5 shout out to Chris Cook and to C.J. Fong who have done rotations,
6 Samantha Crane, my materials TA, and then last but not least really is
7 Zarva Taru who spent a period up in my office as well and I want to thank
8 her.

9 They are awesome, they keep me on track, and they are
10 available to each and every one of you as well, just as I am. So please
11 come see us and keep us informed. Thank you very much.

12 CHAIRMAN SVINICKI: All right. Well thank you again
13 to each of my colleagues. And now I hope some people have been
14 writing furiously. It looks like I don't have anyone yet at a microphone.
15 We're all going to -- Oh, there we go. Thank you.

16 PARTICIPANT: Hi, I have a question.

17 CHAIRMAN SVINICKI: Okay, great. Thank you.

18 PARTICIPANT: Okay. Have you considered doing a
19 lessons learned assessment of the MOX facility construction project
20 failure and how the agency could improve in its roles of licensing and
21 possibly oversight the chances for success of projects that overlap with
22 DOE's NNSA mission?

23 CHAIRMAN SVINICKI: I should have noted that, of
24 course, I will be looking right and left always inviting any colleagues to
25 chime in. I might, as I will do with this one, begin a response.

26 I am not familiar that we plan as an agency to undertake

1 a lessons learned specifically on our oversight of the MOX facility.

2 It seems to me that a lot of the determinants in what
3 happened with that project over the course of many years had more to
4 do directly with programmatic issues on the Department of Energy and
5 NNSA side.

6 It's a great challenge question though because my
7 thought was I think that our oversight was fairly straightforward and I
8 don't know that we have really identified this as a rich environment for
9 lessons learned.

10 But that being said it's a great challenge question
11 because that is an assumption on my part that there are not some
12 lessons learned from, or to be learned from our MOX oversight. And I
13 would ask if anyone has anything to add to that one.

14 (No audible response.)

15 CHAIRMAN SVINICKI: No, okay. All right, well we will
16 await another reader. There we go. Thank you.

17 PARTICIPANT: Why is the Commission focused on
18 doing a retrospective review of administrative requirements ahead of a
19 periodic and systematic review of regulations akin to one of the
20 recommendations of the Kemeny Commission or to address the NRC's
21 obligations under the Regulatory Flexibility Act?

22 CHAIRMAN SVINICKI: Okay. Well, there were a
23 number of specific components there and while my colleagues think I
24 would state that the administrative review was begun some time ago,
25 and I'm not off the top of my head remembering the exact history of it.

26 It also occurs to me that we can have retrospective looks

1 at things concurrent or in sequence. It doesn't strike me as something
2 that needs to be done that can't be done with some overlap.

3 And then the Regulatory Flexibility Act I think has a
4 different set of provisions that it lays forward. I don't know if anyone --
5 Commissioner Burns?

6 COMMISSIONER BURNS: One of the things that, one
7 of the bases for the Commission moving forward on that retrospective
8 review was that the Trump Administration, like almost every
9 Administration since I've been in government since the 1970s, is usually
10 focused on some sort of a regulatory reform or regulatory right-fitting, or
11 whatever you want to call it.

12 And I think for us to be responsive, and this doesn't in
13 my view compromise our independence, but to be responsive to those
14 types of initiatives this is one of the things I think we looked at as a
15 possibility to do.

16 Having read the Kemeny Commission report in the last
17 year for some other reasons I think one of the, I think the focus there, my
18 own view is much different, it was actually with respect to the NRC in its
19 infancy and whether or not the NRC was actually accomplishing what it
20 needed to do and accomplishing it in an effective way, so I think that's
21 very different.

22 But there are other things like Reg Flex, Regulatory
23 Flexibility Act, and things where we may have periodic obligations. I
24 don't think this is -- I think this is an appropriate task for us to be
25 undertaking.

26 CHAIRMAN SVINICKI: That was really good. It's

1 almost like you wrote that question.

2 COMMISSIONER BURNS: No, I did not.

3 (Laughter.)

4 CHAIRMAN SVINICKI: Did anyone else want to weigh
5 in? It's hard to go after that, but --

6 (No audible response.)

7 CHAIRMAN SVINICKI: Okay. All right, thank you. The
8 next question?

9 PARTICIPANT: A number of Commission papers have
10 gone to the Commission with no mention of relevant statutory
11 requirements that are important for the Commission's decision.

12 There is also no mention in the Commissioner votes and
13 the resulting Staff Requirements Memorandum. How should the public
14 or the staff have confidence that the Commission considered these
15 obligations in its decision making?

16 CHAIRMAN SVINICKI: Well I will start again. I think the
17 Commission often has as an undercurrent to its deliberation acquainting
18 itself or just reminding itself of relevant statute.

19 Again, the level at which we are working, which is often
20 at a higher policy level, most of us have a conversational awareness of
21 the statutory underpinnings through which we are acting or if something
22 new is presented to us.

23 If there were -- When there is new statutes, such as the
24 law recently signed that Commissioner Caputo was talking about, we
25 receive analysis out of the Office of General Counsel to help us build
26 awareness of new statutes that is coming into place or amendments or

1 modifications to existing law.

2 So one reaction I have to the question is that whether or
3 not there were an explicit section in the paper that discussed existing
4 law, I think, well, I am flanked by my two colleagues who are attorneys so
5 they, of course, have a strong background in foundation in statute and
6 legal issues, so I think that it might perhaps be that the Commission is
7 assumed to have a baseline level of knowledge of how existing law
8 impacts on the policy or rulemaking matter in front of it.

9 So that might be part of it is that it's kind of stipulated
10 that we don't need a primer on some of the basics with every paper, but
11 that being said OGC will look at I think certainly all voting papers.

12 So if they felt that we were running the risk of having or
13 lacking a discussion of statutory underpinnings or impacts that the
14 Commission needed to know I think that I would be relying in some
15 strong measure on OGC to be certain that the discussion of law that we
16 need in any decision paper is in front of us.

17 Does anyone have anything else to add to that?
18 Commissioner Baran?

19 COMMISSIONER BARAN: I agree with all that. The
20 only thing I would add is if you are an NRC staff member and you're
21 working on a paper like that and you are concerned that there is some
22 piece of important information, statutory or otherwise, kind of the key
23 piece of background that you think the Commission should have and
24 doesn't have, I think we all have open door policies, you know, you
25 should feel free to let us know.

26 Send us an email, ask to come and talk to us, talk to our

1 staff, make sure, satisfy yourselves that we are aware of it and we'll
2 appreciate any outreach you have on something like that.

3 CHAIRMAN SVINICKI: Thank you. Anyone else?

4 COMMISSIONER WRIGHT: I concur with him.

5 CHAIRMAN SVINICKI: Okay. If we could have the next
6 question?

7 PARTICIPANT: All NRC staff were trained on backfit but
8 part of backfit we have not clearly defined what is licensing basis.
9 Licensees have different understandings of licensing basis and the NRC
10 staff have a different understanding.

11 Without a clear understanding of licensing basis staff
12 cannot perform backfit evaluations or determine whether an issue is a
13 backfit. Can the Commission request staff to develop a definition for
14 licensing basis and add this definition to Part 50.2 of the regulation?

15 CHAIRMAN SVINICKI: Well, thank you for that
16 question. For those of us who work in and around those issues that is a
17 very rich and complex topic area that if you're not familiar with the area
18 the question sounded relatively straightforward, but it is a complex area.

19 We could get a lot of our experts in a room and they
20 could have a vibrant discussion for an afternoon, if not a day, on this
21 individual topic.

22 A couple of comments I think on the broader theme that I
23 would make is it was a learning to me when the agency instituted the
24 backfit refresher training, as we refer to it, and since we like to know
25 about root causes and what contributed to an uneven understanding or
26 familiarity with that particular regulation I think we learned that at least in

1 some instances training on the backfit regulation had been removed from
2 people's basic set of trainings and qualifications.

3 I won't pin that on, you know, a Project Aim kind of -- We
4 were streamlining a number of things, but it's an important reminder, at
5 least it was to me, that people cannot be expected to have awareness of
6 things that we didn't provide the foundational opportunities to be
7 mentored or trained or qualified in various concepts.

8 Licensing basis is certainly a very, very important
9 concept if you work in the licensing area of the agency. Again, not
10 everyone has roles that are central to that, but if you do it's an important
11 concept.

12 Now there is definitions in regulation that was suggested
13 in the question. I don't take a merits determination on that right now, but
14 I think most people working on licensing issues at NRC have some sort
15 of functional definition that they have been using as they have been
16 going about their work and it is true.

17 I certainly am aware that then an interpretive space,
18 which is what I call things happening out in the field, things happening at
19 regulated facilities, at licensed facilities, there can be interpretational
20 differences between say an NRC resident inspector, between an expert
21 in the NRC region office, and so -- Some of these things I tend to be
22 skeptical of the lure of the simple solution that it's going to get everybody
23 on the exact same understanding.

24 I think we could have a definition that we would work
25 very hard to develop. We would still all have to have functional
26 knowledge of how we are applying that definition in day-to-day life.

1 The backfit rule has existed for some time and yet there
2 is a lot of expenditure of time and resource in the agency in figuring out
3 whether or not something is a backfit or we should invoke the measures
4 in the backfit rule.

5 So I think that we're -- One of the things that makes our
6 work complex is that certain parts of it don't lend themselves to a
7 checklist, and I know we proceduralize a lot in NRC and that is very
8 helpful.

9 We have job aides and instructions for NRC staff, but
10 there will always be the hard work of interpreting various things and then
11 pushing them through the fine mesh of our regulatory process and
12 arriving at outcomes.

13 That is at its heart kind of what we are looking at on
14 improving our decision-making processes, decisions are product. In a lot
15 of ways of looking at it that's really what we do every day.

16 So I think at every level managers have to be willing to
17 listen and hear what the different interpretations are of something and
18 arrive at solutions, but some of this is just the complicated subject matter
19 that we are here to do.

20 I don't know if anyone else would like to weigh in.
21 Commissioner Burns?

22 COMMISSIONER BURNS: Yes. The notion that there
23 might be some benefit to further definitional inclusion in Part 50 or Part
24 52 is interesting, but I would essentially agree with the Chairman.

25 A lot of what this is the hard work of digging into when
26 issues come up into what the "licensing basis" is and by that it's not the

1 easy things about reading the license and seeing what those conditions
2 are, seeing what that particular tech spec says and the allowed outage
3 time or LCOs or things like that.

4 It comes down to looking at sometimes documents that
5 are 40 to 50 years old, which is when the plant was licensed what was
6 the intention with respect to how a particular system would operate, what
7 the outage times were, what the design was, and things like that.

8 And by just raising a definition or proclaiming a definition
9 we're not going to solve that. You are still going to need to do I think the
10 hard work I think of digging into it and sometimes we may be happy with
11 the results, sometimes we might not be happy with result of that.

12 But what I would encourage is a good conversation
13 between the technical staff and the legal staff with respect to going back,
14 you know, to the origins of when the license was promulgated or when it
15 was issued and having to work through some of those sometimes difficult
16 issues.

17 CHAIRMAN SVINICKI: Okay, I'm not seeing any others
18 who want to weigh in. The next question, please.

19 PARTICIPANT: Have any of the Commissioner's read
20 former Chairman Jaczko's book? If so, do you have any thoughts on it?

21 CHAIRMAN SVINICKI: I have not. I have piles of SECY
22 papers to go before I sleep, so I have lots of, lots of reading.

23 (Simultaneous speaking.)

24 COMMISSIONER BURNS: That sounded like a Robert
25 Frost poem.

26 CHAIRMAN SVINICKI: Didn't it, yes.

1 COMMISSIONER BURNS: I have not. I have read an
2 excerpt. Someone shared an excerpt in which I was mentioned, but I
3 haven't had the opportunity to read it as of yet.

4 CHAIRMAN SVINICKI: I take it we -- Okay. Yes,
5 Commissioner Caputo?

6 COMMISSIONER CAPUTO: I would agree with the
7 Chairman. I think as a new Commissioner there is a lot of work for me to
8 dig into and so that hasn't been a priority for me at this point.

9 CHAIRMAN SVINICKI: Okay. Thank you. Next
10 question from this side, thanks.

11 PARTICIPANT: Lending itself to that, why does it take
12 so long, a year or more, for the Commission to respond to SECY and
13 COMSECY papers?

14 CHAIRMAN SVINICKI: Okay, I will start. The items on
15 our docket, so broadly all the different types of papers that we receive for
16 action, not papers we receive informationally, but it is important to
17 remember there is significant matters in the ones that are just for us to
18 read and be aware of because that is foundational knowledge for papers
19 that we have to act on, so it's not like those are simply elective.

20 When you send SECY papers for what we call
21 information or awareness that is part of the work that is laid in front of us
22 as Commissioners, but the papers that require action are of varying
23 complexity.

24 I have served on this Commission long enough so I think
25 I have, you know, some of the extreme bookends, but I have been here
26 for papers that had a very quick turnaround, that the Commission has

1 acted on the day of receipt, all members of the Commission have voted
2 by the end of the day and we have an SRM fully issued by the following
3 day.

4 Now you can imagine that might be like an export matter
5 or something that needs to be turned around quickly, views on something
6 going to the Congress or the President or something else where it's
7 straightforward.

8 We know what we are certifying or validating and in
9 general the staff does a lot of the hard work of telling us that everything
10 that needs to be certified and validated is there so we can turn that
11 around really quickly.

12 There are matters that have been under consideration
13 for a long time by the agency before they even reach the Commission in
14 the form of a decision.

15 So if a rulemaking has been going on for a number of
16 years and any measures that need to be in place immediately have
17 already been put in place through orders or something else it can be that
18 the Commission is assessing newly arriving papers, we're assessing
19 things that do require or have fixed deadlines outside of the agency.

20 We have no room there to make the agency late. If we
21 are late then the entire agency is not feeding into a process, something
22 like our budget, all the milestones related to budget are fixed to the Office
23 of Management and Budget.

24 So it is true that sometimes the urgent displaces the
25 papers that have come. I try not to approach it as the oldest thing in my
26 inbox first because in my mind that wouldn't be an accurate reflection of

1 the deadlines of the agency as a whole and the matters, you know, plus
2 we're all human beings.

3 Well, I'll speak for myself, you know, there are
4 sometimes that you've been chipping away and working through
5 something that's really long and it's very attractive to pick up something
6 that you might be able to read, it's very concisely briefed, it's a quick
7 thing, it doesn't have a lot of tentacles into ten other things and so you
8 are able simply take that up and move it off your desk.

9 I mean we're the same as anybody else, we like to
10 intersperse the really complicated things that take many, many tens of
11 hours with things that we can address relatively quickly.

12 So I come in, for myself every week I have a plan of the
13 week in my mind in terms of things on the Commission's docket and
14 what I hope to work on. You know, I get requests to meet, things come
15 up, and then there are a lot of matters that aren't the voting papers that
16 we're juggling.

17 We do want to have a requisite number of public
18 meetings of our Commission, not just like this, but all the subject matter
19 that we take up so that we're kind of bringing sunshine onto what's going
20 on in the agency.

21 I know that those take the form of presentations to us
22 and then a Q&A. It is also an opportunity though for members of the
23 public who care about a particular issue to tune into that Commission
24 meeting on the webcast or something.

25 So we're also trying to bring visibility to the work that
26 maybe isn't hitting milestones that need decisions by the Commission but

1 it's still very important work.

2 And then with security, I think a lot of our monitoring of
3 security threats to the country, a vulnerability to the security of nuclear
4 facilities that occurs outside of the public eye for reasons that are of
5 national security.

6 It's important. We can't be as an agency as public about
7 some of that, but that is also something that the Commission is doing. I
8 am not sure there is a lot of awareness of that.

9 Our Commission actually meets routinely to hear about
10 threats, and that's not true of all boards and Commissions like us.
11 Actually, I am quite proud that our Commission really prioritizes
12 monitoring the security situation in the United States.

13 So every individual SECY paper is one little piece of a
14 broader mosaic that makes up the days and weeks and months of
15 members of the Commission, but I am certainly am happy to let other
16 members of the Commission weigh in as well.

17 COMMISSIONER WRIGHT: As the new guy?

18 CHAIRMAN SVINICKI: Yes, as the new guy.

19 COMMISSIONER WRIGHT: So I have asked the very
20 same question to my staff, why does it take so long? But I will tell you
21 that I'm learning the process and the Chairman is absolutely right on not
22 everything is weighted equally, as you can imagine.

23 But, you know, now as the new guy coming in Annette
24 lovingly gave me nine linear feet of paper in three boxes the day I walked
25 in and said good luck, and I didn't even have a staff yet.

26 So once you get your staff in and you try to prioritize

1 what's in that box, number one, and then you try to talk with the Chair
2 and with your other Commissioners to find out what's important, what's
3 on their, you know, consciousness at the moment, and try to put together
4 kind of a plan, as the Chairman was referring to, so that you can start
5 moving some things, and we have, because our staffs and us as
6 Commissioners we do met and we do talk and we do share to try to get
7 that information processed and moving forward.

8 We are starting to get some of that stuff moving, but it is
9 going to take a little time. Thank you.

10 CHAIRMAN SVINICKI: Commissioner Caputo?

11 COMMISSIONER CAPUTO: I would say for me it's
12 really a lot about balance. I thought before actually getting sworn in as a
13 Commissioner that I would be spending the bulk of time doing just that in
14 reviewing policy papers.

15 But then I also now get questions about, well, geez, you
16 know, you've been to three of the regions, but you have been to Region
17 III yet. So I think you know, it's important to get out to see the plants, to
18 see all of the regions, to meet the regional staff.

19 Thank you to the regional folks who are tuning in by
20 telephone today. But it is about having a balance and I think a mix of
21 meeting with staff, whether to talk about technical issues or whether to
22 talk with management of the agency just in terms of learning about their
23 respective technical areas and the nature of the work that's going on
24 every day, and so there is a fair amount of time that gets dedicated to
25 various issues, you know, including the ones that the Chairman
26 mentioned.

1 So I do try to strike a good balance, but I also for the
2 policy matters before the Commission do my level best to spend the time
3 and give it the study, to do my homework in decision making and to be
4 very respectful of the nature of the level of effort that goes into those
5 pieces by the NRC staff in giving this advice, so that for me often takes a
6 fair amount of deliberation and study.

7 CHAIRMAN SVINICKI: Well, thank you. I just am going
8 to do this intermittently, so I'll do it here, and I'll pause of a moment. Is
9 there one of the regions that would like to on, I think this is functional, the
10 telephones so that they can actually be heard in the room.

11 Is that -- I think that's how I am supposed to do that. So
12 I should pause for a moment. Would anyone from the regions like to
13 pose a question? I will count to three in my head.

14 (No audible response.)

15 CHAIRMAN SVINICKI: Okay. I will reach back out to
16 you in a minute, but now maybe if one of the readers could read the next
17 question.

18 PARTICIPANT: What do you see as the greatest
19 obstacles in obtaining the full range of staff views in papers going to the
20 Commission and what changes should be made to ensure that you do
21 receive a full range of views and options?

22 CHAIRMAN SVINICKI: I don't know that I immediately
23 identify obstacles to receiving the staff's view. I would like to think that if
24 I was aware of a specific obstacle I would be engaging the leadership of
25 the agency right now about what we could do about it.

26 It is possible for differing professional opinions to be

1 appended to papers or provided to the Commission separately. I
2 certainly have seen both things in my time here as a Commissioner and
3 all members of the Commission have an open door policy, as
4 Commissioner Baran was mentioning earlier.

5 If there is was something that the staff wanted to get in
6 front of members of the Commission as kind of a -- If the predicate is that
7 there is a systematic obstacle to that then I would want to understand it.

8 I am not really aware of a systematic obstacle, but,
9 again, those who have views that are not represented in the paper do
10 have vehicles but they also then have the obligation of entering those
11 processes and moving forward with that.

12 So I think it's a little bit of a shared obligation to hear the
13 views but also those who have the views need to be forthcoming about
14 bringing those forward.

15 If they are not on concurrence there is the differing
16 professional opinions process that we have as an agency.
17 Commissioner Baran?

18 COMMISSIONER BARAN: Yes. I would just add I think
19 there has been a trend in recent times for the staff to work hard to have
20 the paper itself reflect the range of views within the staff.

21 So rather than having just one kind of staff position
22 reflected in a SECY paper really go out of its way to explain, well, there
23 are different staff views on this and here they are, presenting all of that to
24 the decision maker.

25 I am very positive about that approach. I think that's
26 very helpful to us. I think whether it's a non-concurrence or a DPO or an

1 open door communication, or it's reflected in the paper, all of those ways
2 are good ways to make sure that the Commission has the range of views
3 in front of it.

4 But I do think that, you know, to the extent that the paper
5 itself can just reflect the different staff views I think that's really a positive
6 way to do it and I've seen it be very helpful on a number of papers we've
7 gotten, so I would encourage, you know, the staff to work towards that.

8 And that's, again, maybe even another view that isn't
9 represented and folks have all these other tools they can use to present
10 that view, but I think that's a good trend.

11 CHAIRMAN SVINICKI: Anyone else? Commissioner
12 Burns?

13 COMMISSIONER WRIGHT: Go ahead, Steve.

14 COMMISSIONER BURNS: Well, I was going to say I
15 agree with what my colleagues have said. One of I think the challenges
16 and, you know, having been in that position, too, in terms of writing either
17 Commission papers or reviewing them from the staff in some of my
18 former roles, a couple things that I would say are lessons or objectives,
19 maybe more goals, aspirational goals, is that it's always I think -- It's
20 hard, but trying to articulate the options crisply but in a fulsome manner is
21 one of the objectives of those papers.

22 And I think as Commissioner Baran alluded to if there
23 are areas in which we may have a non-concurrence or a DPO integrating
24 that into the paper itself, but what I caution against is just throwing more
25 stuff into a paper, because you talk about in terms of making it longer for
26 the Commission to deal with that is one way of doing it.

1 And I don't mean dumbing it down, but just thinking
2 about how we present those options, how meaningful they are in context,
3 how they address different points of view, whether it's within our own
4 staff, whether it's from stakeholders on it, that's the objective, trying to
5 focus on that in the paper.

6 From my standpoint that's how I think you really reach
7 that goal of being effective in terms of communication with action papers
8 to the Commission.

9 CHAIRMAN SVINICKI: Are you referring to that
10 wonderful Mark Twain quote I had last week?

11 COMMISSIONER BURNS: Yes, that's right.

12 CHAIRMAN SVINICKI: Lacking the time to write you a
13 short letter I wrote you a long one.

14 COMMISSIONER BURNS: Yes.

15 CHAIRMAN SVINICKI: Did you want to say something?

16 COMMISSIONER BARAN: So we've got Twain and
17 Frost so far.

18 CHAIRMAN SVINICKI: Okay, all right, we're on a roll.
19 Commissioner Wright?

20 COMMISSIONER WRIGHT: Yes, quickly. One, I agree
21 with what's been said, but, you know, as a Commissioner and, you know,
22 we have a staff and I encourage my staff to inform me, which means give
23 me the good, the bad, and the ugly, and I'll use transformation as an
24 example, when transformation when I started learning about it one of the
25 things I wanted to know was what wasn't in it and why.

26 And the same thing goes on with some of the other

1 papers and things that were up there to -- They have to educate me as to
2 why we are at the position we are at and how did we get there, because I
3 can't understand, unless I understand that I'm not going to be able to
4 make really informed decision.

5 I know if my staff is doing that the other staffs are doing
6 it as well, so we really appreciate what you do to put those papers
7 together because it takes a lot of work and so we don't want you to feel
8 like you've been slighted or that you are not able to get information to
9 you us.

10 That's why our doors our open and we encourage you.
11 Thanks.

12 CHAIRMAN SVINICKI: Thank you. Commissioner
13 Caputo?

14 COMMISSIONER CAPUTO: I would like to just add
15 something. The question also mentioned that usually we get options.

16 I feel very strongly about getting options. I think in some
17 context it doesn't necessarily make sense, but I think fundamentally if
18 there are multiple ways to address an issue it's useful to at least consider
19 those and when pondering the prospect of whether or not you write up
20 options at the Commission level I think that forces people to think about
21 is there another way to do this that we haven't considered and to sort of
22 expand the innovative thinking and think out of the box a little bit more
23 about is there another way that we could do this that might be better.

24 And so I think for me when it's possible to provide us
25 with options I certainly think it informs my thinking and leads to a better,
26 certainly my better understanding of the issue.

1 COMMISSIONER BARAN: I agree with that and I think
2 it's a tough balance to strike, right. I mean on the one hand, as
3 Commissioner Burns said, you know, it's not helpful to get a paper with
4 25 options.

5 I mean it would just be totally, not that that's happened,
6 but I think that we would struggle with that. On the other hand, when you
7 just get one option that's not too helpful either.

8 You know, I think having a couple or a few well thought
9 out options with, you know, true pros and cons associated with each one
10 is really helpful. There have been some papers where it's either just one
11 options, the staff recommends this and there's just nothing else there.

12 That's harder because you really have to think through, it
13 puts us in a position that we have to think through what are the other
14 possibilities. It's one of those things that can make it take longer to kind
15 of reach a decision.

16 There also have been cases where you have a couple
17 options but it's really, really, really clear which one the staff favors. You
18 know, there is option one the glorious, wonderful, perfect option, and
19 then there is option two, you'd be crazy to do option two, but here it is,
20 you know, and so I think that's not that --

21 CHAIRMAN SVINICKI: And option three is often like do
22 nothing. It's the status quo option.

23 COMMISSIONER BARAN: That's right.

24 CHAIRMAN SVINICKI: So there's like overkill, neglect,
25 and the thing we really think you should do.

26 (Laughter.)

1 COMMISSIONER BARAN: That was said better than I
2 was saying it, but, yes. And I would also say, you know, the question
3 wasn't really about length, or paper length, but I also think that's also a
4 balance to be struck.

5 You know, there are policy issues that could be well
6 covered in ten pages and that is the perfect amount of time to address it.
7 There are issues where ten pages is too much. There are issues where
8 ten pages is not nearly enough.

9 And so really just being thoughtful about what's the right
10 amount of space to really lay out the appropriate background and the
11 analysis and the options.

12 And my personal view is don't tie yourself to any
13 particular number of pages. We don't want a, you know, doctoral
14 dissertation on every single thing, we can follow up.

15 But on the other hand there have been times where
16 maybe kind of arbitrarily short papers cause us to have to do a lot of
17 additional leg work, going out to really fill in the blanks, the kind of
18 questions and issues that weren't addressed in the paper.

19 So those aren't easy balances to strike, but that's
20 something to strive for.

21 CHAIRMAN SVINICKI: Well I do appreciate that and
22 maybe I'll just add I hope not overly ambiguous or provocative comments
23 on the point that there does need to be a staff position though.

24 I mean I began my work working for the State of
25 Wisconsin at a public utility Commission and it took the form of what was
26 called an advocacy staff, so there was the Commission and there was

1 the staff and when we presented testimony in rate proceedings and other
2 things, that R-A-T-E, rate proceedings, and other things we had to take a
3 staff position amorphously as the staff and then we had to advocate for
4 that through the proceeding.

5 And, of course, the Commission could alter or adjust
6 what we had done depending on the proceeding. So I think it's maybe
7 easier for the Commission, because we take a position as the
8 Commission and you may be on the Commission but you don't agree
9 with what the Commission did.

10 So there is some parallel to that though in the staff, and
11 that's the hard work. I sometimes have said that first line supervisors
12 have, you know, on many days the hardest job in this agency because
13 they are the first people to try with a body of experts synthesize what is
14 going to come up the chain as what ultimately may be the staff position
15 or recommendation to the Commission.

16 It's easier for us I say because when the votes are cast
17 then we have very well laid out processes through which we synthesize
18 that into some sort of form of direction to the staff or in the case of
19 adjudicatory, some matters like that, we have a decision that we issue as
20 a group.

21 So I think that maybe it isn't always as clearly defined
22 how first line supervisors get to the first steps of that and then it makes
23 its way through the system and there may be differing views and non-
24 concurrences that are garnered throughout the staff process, but as a
25 decision maker I cannot replicate all that you bring to whatever the
26 subject matter is.

1 So your staff position or synthesized staff
2 recommendation is an important thing because it is the work product out
3 of which all of your subject matter expertise and things and your
4 executive capacity come together and to make a recommendation to us
5 of what in your view would be the best path forward.

6 Now sometimes you are indifferent on implementation
7 aspects or timing or things like that and the options are important, but it
8 is very hard to receive advice with no sense of where the collective body
9 ended up believing was the smartest thing to do.

10 So I agree with what my colleagues said, but I do think
11 that they hard rock polisher of having to come up -- You're all individual
12 people, I'm looking in your faces right now, and I know that you have
13 different takes to a greater or lesser degree on various issues, but we
14 need the benefit of knowing when you put all of that together what the
15 collective expression of that was to us as a Commission.

16 So with that perhaps -- Well, I might pause for a minute.
17 I want to give, this is going to get repetitive, but does anyone in the
18 region have a question or we're not going to believe 100 percent that you
19 are there if we never hear from you?

20 PARTICIPANT: Hello. This is Region IV. We have no
21 questions.

22 CHAIRMAN SVINICKI: Okay, but you are there. Thank
23 you.

24 (Laughter.)

25 PARTICIPANT: Yes, we are.

26 CHAIRMAN SVINICKI: Region IV is here. Okay, thank

1 you. All right, then I will go to one of the readers in the room.

2 PARTICIPANT: Hi. This is actually Region I. I
3 apologize, but we were able to join just a few minutes ago due to
4 technical -- We actually have several prepared questions. I apologize --

5 (Telephonic interference.)

6 CHAIRMAN SVINICKI: Hello?

7 (Telephonic interference.)

8 PARTICIPANT: Our first question is how will the new
9 law, the Nuclear Energy Innovation and Modernization Act, impact the
10 NRC --

11 (Telephonic interference.)

12 CHAIRMAN SVINICKI: Okay. Well, first of all thank you
13 for your persistence and that you did eventually get on the, were able to
14 hook into the meeting, so I appreciate that. I hope others aren't having a
15 similar problem.

16 But your question was about the recently signed, we
17 refer to it as NEICA, the recently signed law that has been referred to a
18 couple times. There are a number of provisions in there with dates
19 affixed.

20 One is a rulemaking, so that has a longer timeframe.
21 There are a number of reports to Congress that are in the near term, so
22 the Commission is looking to the staff.

23 I know that as recently as last week they were parceling
24 out the provisions of the new law and getting those to the various
25 programs that would take the lead on developing those work products by
26 those deadlines, of course, advancing enough time for the Commission's

1 review of relevant aspects that we need to look at.

2 And because this was just signed, I think it was signed
3 actually in January, but it was passed by the Congress in December, this
4 is a relatively recent thing, so in the strictest sense these were not
5 contemplated in the current year budget which was designed, you know,
6 some time ago so we didn't have these on the horizon.

7 So we will be looking at first of all what is the appropriate
8 resourcing, from what organizations need to participate, what will be the
9 estimates of how many hours or FTE would be involved and bring those
10 pieces together.

11 In the first instance that is being compiled, I understand,
12 and I'm sure will come through the Office of the Executive Director for
13 Operations to be synthesized and put in a format so that the Commission
14 can understand the budget and resource impacts of what's laid out in the
15 law.

16 I don't know if anyone would like to -- So kind of stay
17 tuned because that analysis is being done right now. Does anyone want
18 to add anything?

19 (No audible response.)

20 CHAIRMAN SVINICKI: Okay. I don't see anyone. I
21 hope that that's helpful. And I think --I don't -- You were breaking up a
22 little bit. You might have had multiple questions, but I might just hop
23 back to the room for a minute and maybe you can -- if you're on speaker
24 or something maybe that's, you were breaking up a little bit.

25 Why don't we have a reader in the room read another
26 question.

1 PARTICIPANT: Okay, I have two questions here. The
2 first one is due to the right-sizing efforts there has been a lack of
3 promotional opportunities at the NRC, hence there is a number of
4 departures to other agencies. Is the Commission and EDO aware of this
5 trend and what is the remedy?

6 The second question is the last SESCDP class is better
7 in terms of inclusivity. Is there a plan to have a 360 evaluation?

8 CHAIRMAN SVINICKI: Well, thank you for that two-part
9 question. The first has to do with the overall fact that the agency is
10 contracting. I think Commissioner Baran had some of the statistics on
11 that and was talking about that in his opening statement by kind of rough
12 numbers.

13 In my time on the Commission over the last 10 years, we
14 were at one point just slightly over 4,000 FTE. That's headquarters and
15 the regions and the region -- the resident inspectors all compiled into that
16 number. We are now a little bit under 3,000. I think we've dipped
17 officially below 3,000. I'm getting a head nod from the front row.

18 So a lot of that has to do with the step change in
19 workload. Again, in my time here, when I first came we were getting like
20 a COL application a week. Now, granted, that was a little bit artificial.
21 There was a deadline in the law for them to submit that and participate in
22 Department of Energy programs. But we had 28 pending early in my
23 time here, so there has been quite a pivot in the amount of certainly new
24 reactors work before the agency.

25 We have a little bit better stability in other workloads, but
26 we do have a decline in operating reactors in the United States. That

1 has been occurring and is projected to continue in the next few years
2 with early shutdowns of reactors for which we have been notified, so we
3 do have that change.

4 As a result, I'm not probably terribly surprised that there
5 are -- among our many, many talented people, there are those who
6 might seek opportunities at other federal agencies and leave the agency.
7 We have a lot of -- we have many more retirements over time than I
8 think we have mid-career departures. But still, in all, I -- I,
9 again, have an open door policy, and in certain instances have, where
10 I've found out that someone is leaving the agency just to take work at
11 another government agency, sometimes in the private sector -- it
12 depends on the individual -- but I have chatted with those people, and I
13 am aware that mid-career some folks do want to go somewhere if they
14 feel that there is going to be more promotion potential for them.

15 And I think that I moved around a lot in my government
16 career. I'll have 29 years at the end of this year, so I moved around quite
17 a bit, and I think that's an elective choice. That is one of -- for me, was
18 one of the real attractions of federal government service was like the
19 opportunity to go to another agency and do something different and
20 continue to stay in the same retirement system and the same personnel
21 system. So that was attractive to me.

22 That being said, though, we have -- we have lost
23 individuals from the agency because we do not have the growth
24 trajectory that we had in the late 2000s when I came, and that's simply --
25 the two simply are corollaries with each other.

26 If we're not growing and not creating new offices, like the

1 Office of New Reactors, quite -- which we had done early in my time here
2 -- that needed to be populated at all the management levels. So that
3 was a time of nearly explosive promotional opportunity for people who
4 have the right skill sets.

5 But I have also been here for the FSME-NMSS merger,
6 so we had some reduction in supervisory positions there. Of course, we
7 are on a long, thoughtful movement towards the NRO-NRR merger.
8 We're going to be looking at alignment there.

9 Just last week in the Commission's meeting, I was noting
10 that I'm aware there has been some consolidation of divisions in advance
11 of that merger. There have been some positions that I think were not
12 filled immediately, again, keeping the end in mind here with the
13 contemplation of that merger.

14 So there is a certain fact of life aspect to the question,
15 and then the second element was the SESCDP. I'm not aware of doing
16 at 360 look, but -- specifically, because that's a specific kind of look, but
17 there were changes made to the process to select the candidates for the
18 current SES Candidate Development Program.

19 Before he left, I know that Victor McCree, as EDO,
20 contemplated doing a look at that after the fact. So I don't know if that is
21 going to be an informal look at -- and I don't know at what point in time
22 that would occur because these are individuals trained for the SES.

23 So we would want to take a look at the effectiveness of
24 these changes in the selection process at the point in time in which we
25 could draw meaningful conclusions from that. That might not be
26 immediately.

1 So that was a very long answer to that two-part question.

2 Commissioner Burns was writing a lot of notes, so --

3 COMMISSIONER BURNS: Yes.

4 CHAIRMAN SVINICKI: -- would you --

5 COMMISSIONER BURNS: Well, I have a couple of
6 things, and I -- and some of you may have heard me say this before, but
7 this is -- the feel in the room is very much like the '90s, the early '90s.

8 And why do I say that? Because as -- at that point,
9 about 12 years or so into my career at the NRC, you faced basically the
10 end of licensing in what we now call the existing fleet -- the existing fleet.
11 You had a couple of leftovers, like Watts Bar 1, and then eventually
12 Watts Bar 2 -- I probably would have lost a bet if I ever thought it would
13 have gone into operation -- and a few things like that.

14 So you had new reactor licensing in terms of the '90s
15 down to almost nothing. You had decommissioning emerging, basically
16 the Yankee plants in New England, Big Rock up in -- way up north in
17 Michigan, and then you also had out there this Part 52 stuff and design
18 certs and things like that.

19 So you had this mixed bag. It's not exactly the same,
20 but it has that feel. So what was it for me, as a career employee at that
21 point -- I basically, except for one point where I almost went to Canada --
22 you know, basically, determined to stay with the -- yeah, I was offered a
23 job in Ontario Hydro, but I decided to stay with the NRC.

24 But those types of things -- things like, you know, my
25 grade level when I entered the agency was -- could have been to a GS-
26 15. Well, they took that away, and they sort of -- in terms of your level

1 acceleration.

2 You didn't have -- you had a shrinking size, so you didn't
3 have as many supervisors. I had to go through basically -- which was cut
4 people from the SES in the mid-1990s as a manager in OGC, because
5 we shrank some of those things.

6 But the fact of the matter is, the opportunities continue to
7 be out there. There aren't -- it isn't the wide-open spaces, say, of the
8 renaissance in 2005, or the like, but they are still there. So for those of
9 you who are here, who want to be here, look for those kinds of
10 opportunities, look for ways of basically expanding your horizon, because
11 I think that will -- that will help.

12 For management, I think the challenge is that it is -- from
13 my standpoint, because I went through this at OGC, and one of the
14 biggest mistakes we ever made was to stop our honors program for
15 about five or six years. And that -- we were paying for that in the early
16 2000s because we didn't do that.

17 I'm pleased to say we went back to it, and some of those
18 folks -- actually, the first one I hired in the new program is now a deputy
19 in OGC.

20 So there are some of those things that will continue to go
21 along, and management needs to be focused on that. Management
22 needs to be flexible in talking to you about where to go with those things.

23 And, you know, I think on balance there are opportunities, thinking about
24 what the skill sets are, thinking about how we're structured, and things
25 like that.

26 And the final thing I would say, I do think -- you know, I

1 appreciate in the SES program -- I think we sort of hit some goals with
2 respect to diversity or greater diversity in it. But I do encourage the EDO
3 to take a look at more of this program, were we consistent in terms of the
4 message we were saying to applicants about how they would be
5 considered in it, how they were evaluated, and how we value the
6 experience that they have.

7 Thanks.

8 CHAIRMAN SVINICKI: Thank you. Anyone else?
9 Commissioner Caputo.

10 COMMISSIONER CAPUTO: I guess I would just say
11 that I heartily endorse the work that is being done on the strategic
12 workforce planning, because there is a lot of change going on. And to
13 the extent that we can anticipate how the workload is changing, where
14 it's changing, and when it's changing, that I think positions us to make
15 sure that we maximize the opportunities for folks to train in perhaps other
16 disciplines that they'd like to utilize and help our employees who are
17 incredibly valued to get the training they need to be as versatile and agile
18 as we would like them to be and need them to be in a changing
19 environment.

20 So I think strategic workforce planning, I put a lot of
21 stock in that effort.

22 CHAIRMAN SVINICKI: Well, thank you very much. We
23 will take another question from a reader in the room.

24 PARTICIPANT: Making sure the photographer didn't
25 have a question. Sorry there.

26 So in that same vein and something Commissioner

1 Burns touched on, based on the recent continuing staff attrition, has the
2 agency looked at the ratio of executive staff to see if commensurate
3 changes in the level of those staffing positions are taking place?

4 CHAIRMAN SVINICKI: I know that this is -- employee-
5 to-supervisor ratios, broadly speaking, are something that is monitored
6 by the agency. I don't -- it has been -- I don't know whether it is
7 increasing or decreasing. If we said -- I think that the ratio is such that
8 there are more and more employees per supervisor, so that's the
9 direction that the agency has been moving.

10 My understanding is on a range across federal agencies
11 we probably still are slightly more towards the end of the range where we
12 have maybe more supervisors, so the employee-to-supervisor ratio is
13 such that there are not as many employees managed by each
14 supervisor.

15 But the vector has been consistently in the direction of
16 more employees per supervisor across the agency. And I -- I'm not
17 aware of any hard, government-wide, you know, standard that you have
18 to meet. We just -- we have continued to move in that direction, so I
19 don't think it's a matter of us saying, "This is the perfect ratio" or
20 something.

21 We do have a technical and legal complexity to the work
22 we do. So I think -- again, and I -- some of the bias in the tools is such
23 that we do have more available to us now in terms of IT and other things
24 conceptually that should allow a supervisor to manage more employees.

25 So I think that's why the movement continues to be in that direction, but I
26 don't think we have a specific target that we're aiming for there. But we

1 do monitor it. I know I do, and I think other members of the Commission
2 receive reporting on that.

3 Should I -- I might pause now again and offer one of the
4 regions an opportunity to weigh in with a question on the bridge. Yes.

5 PARTICIPANT: Hello. This is Region I again. Another
6 question we have received from a member of our staff is whether the
7 Commissioners would give their views on the proposed ROP
8 enhancement and whether to -- there's a reduction to be taken at the
9 level that is currently being considered. Thank you.

10 CHAIRMAN SVINICKI: I'm not sure -- okay. Is there
11 someone who will -- did the reader understand? Even though it's not
12 reading, it's listening. I'm not sure I --

13 COMMISSIONER BURNS: I think -- was the question
14 whether or not -- I think the question was focused on whether we had
15 particular views on some of the ROP enhancements that are underway.

16 CHAIRMAN SVINICKI: I didn't hear that at all. I'm glad
17 you --

18 COMMISSIONER BURNS: That's what I heard. Could
19 the region --

20 PARTICIPANT: I think that is -- I think that's the way
21 that why -- this is Region I clarifying. Yes, that is -- Commissioner Burns
22 is correct.

23 CHAIRMAN SVINICKI: Okay. I don't -- I know, first of
24 all, I'll just say as a general matter the ROP receives routine analysis.
25 And so that's something that I have appreciated during my time on the
26 Commission is that the ROP is routinely assessed, and we do look for

1 opportunities to make adjustments to it, enhancements. I don't know
2 what's the right word.

3 But over time, the operating performance of the U.S.
4 fleet has changed. I think we have tried to modify where we're putting
5 our emphasis, so that we will return -- you know, we will be looking at
6 items of significance and looking at areas where there are performance
7 trends.

8 I know that there is a little bit deeper-dive look at the
9 ROP that is going on now. I know Commissioner Baran talked a little bit
10 about things that would give him pause if they were proposed specifically
11 in the ROP. Speaking for myself, I will just say that, you know, the
12 baseline inspection program -- I think I made this -- this comment in an
13 operating reactors meeting, is I know that our predecessors in all of our
14 jobs were very smart individuals.

15 They came up with the ROP, which I have described as
16 a breath-taking improvement over what it replaced, which was the
17 systematic assessment of licensee performance, which I sometimes
18 cheekily say was neither systematic nor a terribly rigorous assessment or
19 any of the things that it purported to be.

20 So the ROP was a step change, an improvement. That
21 being said, I have appreciated that it is looked at routinely because the
22 operating facilities have different challenges in their performance. They
23 might make vast improvement in other areas of performance. And if the
24 ROP is 20 or 25 years old, it wasn't perfect at its birth. I mean, very few
25 things are.

26 So we are the people that are utilizing the ROP as a tool

1 now, a notion that we might know things and have new information and
2 insights that the creators of it did not have. I'm very open to proposals
3 that would look at it and say, yeah, those are the things that I inspected
4 15 or 20 years ago, but what should I be inspecting now? Because if I
5 were creating this today, would it look differently?

6 And even to me, I'm open to reductions in hours. I'm
7 open to reductions overall in the number of hours, because I think you
8 can actually have overconfidence that your, you know, 2,000 hours is
9 returning the exact same safety insights to you that it did 20 years ago.

10 That may not be rooted in something, and you really
11 need to I guess check yourself or really challenge yourself that you
12 couldn't spend, you know, 1,500 hours looking at different things that
13 might give you the same level of assurance of performance.

14 So I am open to it. I haven't taken a position on anything
15 that might be pending in front of us now. But I think that if a case is
16 brought forward that is rooted in good, objective information, I'm always
17 going to take a look at it.

18 And I didn't mean to be -- both Commissioner Baran and
19 I are kind of shadowboxing against broad concepts on the ROP. But I
20 wasn't taking on -- he is -- his point of looking very skeptically and
21 looking closely at things is something I share.

22 Anytime someone takes notes, I'm like, oh, they want to
23 say something.

24 COMMISSIONER BARAN: It's going to be a high bar for
25 taking notes. Well, I just -- the only thing I'd add on this is, of course, the
26 staff doesn't have a recommendation in front of us on this right now. But

1 as I mentioned in my opening remarks, I think it is just really important to
2 be thoughtful about it, particularly on the ROP side.

3 And, you know, some of the things I think about -- one is
4 we definitely, as an agency, have to make sure we're adequately tying
5 the regions into this discussion to make sure benefitting from all of the
6 experience we have among our resident inspectors and our regional
7 staff, they are just going to be a crucial part of figuring out what changes
8 make sense here, if any.

9 I mean, of course, I take the Chairman's point, the ROP
10 is not a static thing. It has never been static. It is going to continue to
11 evolve in certain ways. But as we're thinking about it, you know, one of
12 the key principles in my mind is it's -- it makes sense to be looking for
13 more efficient ways to do what we do, more effective ways to do what we
14 do. That's different than just doing less.

15 You know, I think sometimes the word "efficiency" is
16 used, and it's not efficiency; it's just doing less. And so, at least as I look
17 at it, I would kind of have a high bar for just doing less inspection on
18 something. I don't believe a good way of saving money is doing less
19 inspection. That's, from my point of view, not an appropriate way to go.

20 That's different than saying, well, we've structured an
21 inspection a certain way. We think we can do a better job, or we could --
22 we could have true efficiencies if we structured it a different way. I'm
23 very much open to that.

24 I also want to make sure that our residents who are out
25 there, or our regional inspectors, whoever it is, headquarters inspectors
26 who go out, have the flexibility they need to do their jobs in the field, so

1 that we don't end up with changes that restrict sample sizes or
2 something in some way that prevents the people -- our boots on the
3 ground from doing the work we need them to do.

4 So I don't mean to suggest I'm closed-minded about
5 changes. There are always going to be changes in ROP. But it's --
6 everyone I talk to kind of tells me the same thing, which is, generally
7 speaking, it's a process that has worked well. It's infinitely better than
8 what preceded it.

9 And so when you're contemplating potentially large
10 changes to a system that has worked well, you've got to be really
11 thoughtful about that. And I think it's really critical to really understand
12 what are the problems we're trying to solve, really identify, if we have an
13 issue, what's the challenge? Be specific about it. And then think through
14 what is the targeted way in which to address that issue if it's something
15 that needs addressing.

16 I don't think for something that is working well the going
17 imposition should be let's make radical changes to it. So, anyway, those
18 are just some thoughts.

19 But, again, we are kind of talking a little bit in the
20 abstract here because, you know, the staff hasn't recommended
21 anything, and they are thinking through potential changes that they
22 sense, and I look forward to hearing their thoughts about that.

23 CHAIRMAN SVINICKI: Commissioner Caputo?

24 COMMISSIONER CAPUTO: I would just start by saying
25 that I agree with what the Chairman said and a fair amount of what
26 Commissioner Baran said, just in terms of I think it's important to have

1 input from the regions if we are going to look at this. But I also come at
2 this from the standpoint that this has been in place as a program for
3 nearly 20 years, and that gives us a wealth of data information through
4 the conduct of that program that should help us identify where we can
5 target improvement.

6 So when improvements are proposed, you know, I fully
7 expect that those recommendations are going to be rooted in the data
8 that we have and be, you know, very sound, soundly formed, and also
9 risk-informed, making sure that those recommendations are going to help
10 us do the most safety-significant work that we can.

11 CHAIRMAN SVINICKI: Commissioner Burner.

12 COMMISSIONER BURNS: I think the observation --
13 and look for it in the paper if it gets here before June 30th.

14 (Laughter.)

15 COMMISSIONER BURNS: If not, have fun.

16 (Laughter.)

17 COMMISSIONER BURNS: No. All kidding aside, I think
18 the interesting thing -- and, again, with -- the ROP program I think has
19 been a real success over the years.

20 And, you know, the interesting thing is when you sort of
21 have interactions with folks on, could we do this, could we do that, and
22 it's very interesting because both within the staff and also with the most
23 affected stakeholders, which would be those licensees who will -- whose
24 -- who are assessed under it -- you actually get different -- I've been
25 hearing different views on, for example, whether or not to eliminate white
26 findings. I've gotten from both staff and from industry different points of

1 view on that.

2 One of the things probably most consistently I have
3 heard -- and this is from staff, and that's not only in the regional offices
4 but in headquarters, who are also engaging with resident inspectors -- is
5 that the notion, is there a way we spend a lot of time on the lower
6 significant issues and resolving that.

7 Now, sometimes, quite honestly, I think with licensees it
8 is, oh, why can't you not spend as much time on that? But then they
9 don't want to let it go if it's going to get memorialized as a finding, and
10 then could penalize them in the future.

11 You know, from my experience with the enforcement
12 program you've got to be able to cover the whole range of things, but
13 you've got to be able to -- you know, the ideal is you are focusing
14 licensees and those we oversee on the most important issues.

15 So I think one of the tasks -- and, you know, it may be
16 one of the -- what some people call the rubber sandwich -- is really hard.
17 It's easy to just chew and chew and chew and chew. But to find the
18 actual result, particularly on things that we might view as lower safety
19 significance, but don't -- sort of don't think you can let go entirely, how we
20 sort of balance that. So I look forward to that paper.

21 CHAIRMAN SVINICKI: Thank you. Could we have
22 another question from the floor?

23 PARTICIPANT: This is a question from Region I. Who
24 does each Commissioner view as NRC's primary customer?

25 CHAIRMAN SVINICKI: Well, that's easy for me. There
26 was mention earlier of law and statute, so under law we have a function

1 that we fulfill for the American people, and I view that as our primary
2 customer. And we are the only entity in America that can fulfill the
3 mission that we fulfill, and it's a very important one. So I view that as the
4 American public.

5 Now, that seems kind of amorphous. But when I think --
6 when you think about the common defense and security, and public
7 health and safety, it's pretty easy to realize it's -- you know, the people
8 you're seeing at the grocery store and in your neighborhood, those are
9 the people we serve at the end of the day.

10 COMMISSIONER BARAN: I completely agree with that.
11 Completely agree.

12 COMMISSIONER CAPUTO: I agree.

13 COMMISSIONER WRIGHT: Yes.

14 COMMISSIONER BURNS: Yes.

15 CHAIRMAN SVINICKI: Okay. Should I -- yes, another
16 question from the room?

17 PARTICIPANT: Commissioner Baran mentioned a 15
18 percent reduction in NRC's budget and a 21 percent reduction in NRC
19 staff since 2014. Do you anticipate additional staff and budget reduction
20 in 2020?

21 CHAIRMAN SVINICKI: Well, our 2020 budget is -- that's
22 the one that is about to go up, right? Yeah. So that would be -- that
23 makes it nice and easy because since this is a public meeting, until the
24 President requests a budget on our behalf, we are not permitted to speak
25 about it publicly.

26 So I'll just go so far as to say I don't think you'll find it

1 nearly as interesting as those particular numbers that were mentioned
2 about the overall decline. So I don't want to create a lot of broad anxiety.

3 So, but I don't think you'll find it terribly exciting, if it goes forward as we
4 have proposed it.

5 PARTICIPANT: Related to the earlier question about
6 ROP, there is a comment and then a question. So the comment is, there
7 has been a sense of urgency associated with the efforts to transform and
8 enhance the ROP. People are exploring creative ways to reduce
9 regulatory burden. Some are incongruent with the current approved
10 governance processes.

11 So the question is: does the Commission expect staff to
12 continue with current processes pending approved changes, or to
13 anticipate that there will be changes even if that means departure from
14 what is currently approved?

15 CHAIRMAN SVINICKI: Okay. That's a tough question
16 because I think, like, the questioner had specific things in mind, but they
17 aren't really in the question. So you're not really sure what you're
18 reacting to there.

19 COMMISSIONER WRIGHT: Can I give a new guy
20 perspective?

21 CHAIRMAN SVINICKI: Yes, please.

22 COMMISSIONER WRIGHT: So everything to me
23 comes back to cancer or baseball. It's very simple. I don't -- if we're
24 going to sit here and think that things are not going to change and we're
25 not going to have change, then you're fooling yourself.

26 You know, if I was treated the same way a colon cancer

1 patient was treated 40 years ago, I'd be dead. So I'm grateful for those
2 changes that were made that did not compromise the integrity of the
3 medical profession in treating colon cancer.

4 So we're not going to do anything, and I'm not going to
5 support anything myself that is going to damage the integrity of what
6 we're trying to do as an agency.

7 Same thing for baseball. We've had rules of baseball for
8 125 years, but the rules have changed as they've had to. But it protects
9 the integrity of the game of baseball.

10 I am looking at the ROP, or any other program that we're
11 looking at here, the same way. And that's the way this one
12 Commissioner is going to come at it.

13 CHAIRMAN SVINICKI: Okay. Well, thank you. I'll just
14 say, again, I -- from my mind, I think there might have been specifics that
15 were really behind the question. I'm a little worried to give a general
16 answer, but I think part of it I heard was, should I presume that things are
17 staying the same? Should I plan on the same kind of ROP until I'm told
18 there are changes?

19 And I think I feel pretty comfortable saying yes to that.
20 There are certain changes to the ROP that the staff is delegated to
21 make, so I assume those -- if those are under consideration, they're on
22 whatever schedule they are on, and then there are a set of changes that
23 the Commission has identified as requiring the Commission's approval.

24 And unless and until those are brought forward and
25 acted on to the -- and I apologize if I misunderstood the question. But to
26 the extent, should we plan in budgeting and resourcing and planning

1 space that it looks the same until we're told differently? I think the
2 answer is yes.

3 COMMISSIONER BARAN: And I think this is maybe not
4 directly, you know, in response to the question, but maybe a premise to
5 the question in terms of the urgency of the activities. I think it's important
6 that staff take the time it needs to do a good analysis of any potential
7 changes to ROP that they are going to recommend.

8 You know, if we're talking about significant changes, the
9 staff should spend a significant amount of time and energy evaluating
10 those changes or potential changes, and really think through what are
11 the immediate effects, what are the second-order effects, how does it
12 change incentives of various players within the reactor oversight process,
13 and be really thoughtful about it.

14 I remember maybe it was pretty early on when
15 Commissioner Burns and I got here, there was a paper along the lines of
16 a recommendation to change the number of white findings that would put
17 you in column 3. And there was this assertion that, oh, if we just
18 changed it from three to two it would -- people -- licensees wouldn't
19 challenge white findings anymore.

20 And I remember at the time thinking that's not really true.
21 I don't think that's going to happen. The change was made, and it didn't
22 happen. It didn't happen, and I think that it was not really a very well-
23 thought-out kind of prediction about what the incentives would be.

24 And so I think we've got to be a lot more sophisticated
25 than that in thinking through the incentives on licensees and other
26 players in the ROP. And so if that takes a little bit more time, I say take

1 the time rather than, you know, risk breaking a process that has worked
2 pretty well over the years.

3 It is never going to be static. It is always going to have
4 some changes over the years. Different samples have changed over
5 time. And as the Chairman pointed out, you know, you have aging plants
6 and different -- I mean, you're going to have changes in what inspectors
7 focus on over time.

8 But, you know, when we start making the big
9 foundational changes to ROP, if that's something that people are
10 contemplating, boy, I really hope we do our homework before we make a
11 change like that and really think through the consequences of that, and
12 we put that up against our public health and safety mission, because I
13 think we really have a responsibility to do that.

14 CHAIRMAN SVINICKI: Thank you. I am going to, once
15 again, reach out to any of the regions. I don't think we've heard at all
16 from Regions II and III. And, Region III, I just would urge you to be very
17 careful. You have some very dangerous temperatures coming your way
18 there. I was -- that has been national news, and I think at those
19 temperatures we can have frostbite in under five minutes on exposed
20 skin. So maybe they are all bundling up somewhere. I don't know what
21 they're doing, but --

22 (Laughter.)

23 CHAIRMAN SVINICKI: But in any event, I mean that in
24 all sincerity. That's going to be very dangerous temperatures for the
25 Region III office.

26 Are there any questions from one of the regions?

1 PARTICIPANT: Yes. This is Region III. We have no
2 questions, and we are definitely monitoring the temperatures here and
3 we'll be looking at office status for Wednesday.

4 CHAIRMAN SVINICKI: Okay.

5 PARTICIPANT: Thanks a lot for the concern, Chairman.

6 CHAIRMAN SVINICKI: Okay. Thank you very much.

7 All right. Well, then I will turn back to the readers. And
8 I'm going to go to the regions again, so don't worry if you -- if you missed
9 your chance there.

10 PARTICIPANT: Okay. With Marc Dapas retiring very
11 soon, has the Commission decided on a new NMSS Office Director?

12 (Laughter.)

13 CHAIRMAN SVINICKI: Well, wouldn't that suddenly
14 change the interest of this meeting, if that was what was rolled out at this
15 meeting? But so Director of NMSS is one of the positions under law that
16 is filled -- the Commission is the appointing authority.

17 So interviews are ongoing, and we are sharing feedback
18 with each other, and we know that we will have a very, very capable
19 director.

20 Marc, thank you for your service to NRC and also your
21 service to the country, both at NRC and prior to your time here in the
22 military. Thank you very much for that.

23 But those are big shoes to fill. I'm going to use it just as
24 a moment, though. You know, some of what the Commission looks at is,
25 what does an organization need in terms of the journey it's going to have
26 over the next few years? So that's why, you know, Victor didn't look like

1 Mark Satorius, and Margie didn't look like Victor, and I think that the
2 Commission tries to think about -- I mean, we do think about and we do -
3 - we try to do our best to say what best serves now. So it's the right
4 leader at the right time, and it isn't necessarily like all the other people
5 who led, or you might have a leader two leaders from now that would
6 bring different emphasis to an organization.

7 So we have often a lot of really capable candidates
8 within the agency, but we also need to think about what will that
9 organization be confronting and working through over the next time
10 period. So we bring a lot of thoughtfulness.

11 It's another case where having five different personalities
12 is really useful, because as we conduct interviews, then we can share
13 perspectives with each other about who would be the best selection. So
14 it's great to have an abundance of blessings, an embarrassment of
15 riches, in terms of a lot of capable talent here. But we have to take some
16 care on some of these positions because there is -- it's a lot on the
17 shoulders of the people who fill those roles.

18 Anyone else? No.

19 Okay. Thank you. I'll take another question from the
20 floor, please?

21 PARTICIPANT: The NRC is working to create centers of
22 excellence thus far in the areas of rulemaking, environmental review, and
23 decommissioning funding. In consideration of these centers of
24 excellence, how are we factoring past evaluations of such mergers?

25 For example, under Project Aim, it was determined that
26 the reactor funding program and the materials program are too dissimilar

1 to merge, and rulemaking statements of consideration reinforce this.
2 Therefore, we seem to be expending resources for questions we have
3 already answered.

4 CHAIRMAN SVINICKI: Well, I'll start just in talking about
5 the centers that we've created. It's a matter of public record, and well
6 known in this room to those who followed the creation of the centers, that
7 I was not just a little bit skeptical of the creation of centers.

8 My view was it's not a one-size-fits-all solution. I thought
9 that it needed to be created for areas where you picked the right
10 functionality that you were going to put in a center. And I freely admit
11 that it's the assessment of NRC as a whole that the centers have worked
12 well, and that, you know, some of my skepticism has been alleviated.

13 I was just -- I was aware that the concept of collecting
14 expertise in a group and saying this group is going to support everybody
15 had been done historically in the NRC, and it wasn't always successful,
16 so that's where some of my initial skepticism was rooted, that it was tried.

17 I also believe in accountability. So if you create a center,
18 you have to make it clear to them they can't have so many people putting
19 competing demands on them that they don't know how to prioritize. So
20 the center can be a great idea, but you could just use it poorly or manage
21 it poorly.

22 So I appreciate -- and maybe I'll say, well, because they
23 knew they had one skeptic on the Commission, maybe the leadership
24 here made sure to be extra careful about centers. But as a result, not
25 only have I alleviated my skepticism about the ones we have created,
26 but, again -- and I was mentioning this at the new reactors business line

1 meeting last week -- is that I am beginning to note that I think we will
2 continue to see retirements from the agency.

3 I know that it's something that people can defer, but they
4 don't defer it infinitely. So as we watch that large number of NRC
5 retirement-eligible people, we have both folks in the management ranks,
6 but a lot of just our experts, and, you know, they are the people that
7 other people go to, to say, "Did I approach this review correctly?" or
8 something.

9 So a lot of what they're doing is an informal mentorship
10 of other experts on the staff, and I note that, you know, we may hit an
11 uptick in departure of expertise that we're going to need to build minimal
12 competency for some of the advanced reactor types.

13 And so I, like Commissioner Caputo, am watching
14 strategic workforce planning very carefully. I'm not sure right now it's
15 going to give us all the data about the skills mix that we have, but it at
16 least will give us some insights.

17 So it occurs to me that the centers or other centers, I'm
18 just -- I haven't formed a view on this, but I'm just kind of intrigued.
19 Would it be an opportunity to allow people to be colocated with those
20 that have more experience in a subject matter, maybe in addition to
21 dwelling in a center for a while, they could be apprenticing under people
22 in their subject matter expertise that were among our most highly skilled.

23 And so I'm looking at how we could -- maybe centers
24 could also expand into giving us a little bit of knowledge transfer
25 capability or something. I'm just at the very nascent stages of talking to
26 some of the managers here in the agency about it. But if we -- if it could

1 help us bridge to a little bit of an HR dip that we might have where we're
2 getting a lot of capability exiting in a short period of time, I think that
3 we've been thoughtful about centers, my initial skepticism has been
4 alleviated.

5 I still think you can create and misuse a center, don't get
6 me wrong. You can do it inartfully. But we haven't done that here. So
7 now I'm so much of a convert that I'm thinking about, what other value
8 could our centers return to us? Maybe they can do some human capital
9 things. I don't know yet, but I'm thinking along those lines.

10 Does anyone else want to over -- over-belabor the topic
11 of centers as I have? No. I've just beat that dead horse right into the
12 ground. That's a bad thing for a vegetarian to say, but in any event, I
13 labored over that centers question.

14 Okay. I will reach out to the regions. Anything?

15 PARTICIPANT: This is Region II. We don't have any
16 questions at this time, but thank you.

17 CHAIRMAN SVINICKI: Okay. Thank you very much.
18 Then I will take another question from the room.

19 PARTICIPANT: The Commission has independent
20 salary-setting authority, which means that the agency does not need to
21 mirror the GS pay scale established by OPM. Given the number of
22 professionals the agency requires -- doctorates, engineers, attorneys, et
23 cetera -- why does the agency choose not to reorganize its workforce
24 with salaries that more closely approximate the public sector? Which is
25 significantly higher than the GS scale.

26 CHAIRMAN SVINICKI: I am not an HR expert, and I

1 know it's an area that is not for amateurs. I would indicate that, whether
2 or not an agency has certain independent authorities under law, there
3 are, of course, a need to be part of looking at other agencies that have a
4 lot of technical skill sets and things that they need.

5 And I think, in general, the agency has used
6 independent authorities where appropriate, but also has tried to stay in
7 the general norm in alignment with other highly technical agencies.

8 And so I think I would characterize at a high level that
9 the agency has utilized authorities granted to it, but has also done so
10 within cross-government norms.

11 So I don't know if any of my colleagues would like to add
12 anything, and I -- yes, Commissioner Burns.

13 COMMISSIONER BURNS: I'll add something. I said -- I
14 don't disagree necessarily with the Chairman, but I think potentially as
15 part of the transformation initiative it is worth us looking at and assessing
16 where we are and what it would mean. So I would support at least not
17 necessarily a reset but a relook.

18 CHAIRMAN SVINICKI: Thank you. Could I take
19 another question from the room?

20 PARTICIPANT: Is there any interest in restarting the
21 faster-than-real-time decision-making tool in the Operations Center?

22 CHAIRMAN SVINICKI: My first reaction is, what is that?
23 That sounds fascinating.

24 (Laughter.)

25 CHAIRMAN SVINICKI: The faster-than-real-time, how
26 does -- this is like one of those bad jokes about a headlight at light speed

1 and you can't see the road because you're traveling at the speed of light
2 and you can't get there. Oh, please. Okay.

3 PARTICIPANT: That was my question. Sorry.

4 CHAIRMAN SVINICKI: Okay. Thank you.

5 PARTICIPANT: So the Ops Center currently has a tool
6 called RASCAL, which is dose calculations. But for a while there was a
7 push to come up with a tool that actually does thermal hydraulics, core
8 accident progression, and we started working on it but it -- after a
9 number of years it got killed.

10 I'm not sure exactly why, but it seems apparently other
11 countries have these kind of tools in their ops centers, so I was
12 wondering if the Commission had any interest in doing a tool like this.

13 CHAIRMAN SVINICKI: Well, I will just say for myself
14 that I am not familiar with it. I appreciate your willingness to come
15 elaborate, because I wasn't really -- I really wasn't going to be terribly
16 knowledgeable in answering your question. So thank you for coming to
17 the microphone.

18 I don't know too much about it, but I guess I will just
19 commit to -- just I'll try to learn a little bit more about what we -- what we
20 had or what we were developing or what we were using, and it may be
21 something in terms of our innovation forum and others that we -- but
22 thank you for raising it. I always -- you know, as long as you're around
23 NRC, you can always learn about something you didn't know.

24 PARTICIPANT: Sounds like time travel.

25 CHAIRMAN SVINICKI: I know. Doesn't it?

26 (Laughter.)

1 CHAIRMAN SVINICKI: It would be faster than real --
2 actually, I don't want to be faster than real time. That seems kind of sad
3 --

4 (Laughter.)

5 CHAIRMAN SVINICKI: -- because, I mean, then you
6 would just -- all of a sudden your life would be over, and you were like,
7 well, I'm glad it was faster than real time --

8 (Laughter.)

9 CHAIRMAN SVINICKI: -- so that I could just rush
10 through everything.

11 Anyways, I'm sure that we were using it more
12 thoughtfully than that or something. I don't know.

13 Anyone else want to comment on "faster than real time"?
14 Okay.

15 COMMISSIONER CAPUTO: Right out of Dr. Who.

16 CHAIRMAN SVINICKI: I don't watch that. You should
17 have served with Commissioner Magwood, because I think he was big
18 into that.

19 Anyway, okay, yes, may I take another question?

20 PARTICIPANT: The proposed rule, cybersecurity at
21 fuel-cycle facilities, has been with the Commission since October 20,
22 2017. To date, only Commissioner Baran has voted on the paper. What
23 is the status of each Commissioner's deliberations? When will the
24 Commission finally act on this paper?

25 CHAIRMAN SVINICKI: I do not have --

26 COMMISSIONER BARAN: First of all, I did not write

1 that question.

2 (Laughter.)

3 CHAIRMAN SVINICKI: Okay. I didn't even suspect it.

4 Oh, and Marc Dapas is putting his hands up. I didn't write it either.

5 (Laughter.)

6 CHAIRMAN SVINICKI: I don't know, in all seriousness,
7 that I have much to add. I gave a description of all of the different kind of
8 matters that compete for the Commission's attention. So I -- I have
9 commented in the past, so I'll just repeat this.

One of the benefits of our collegial commission is that people kind of take up pieces of work and subject matter and work on them, and they take the time -- someone may have more of a background in an issue, so that they move more quickly as a member of the Commission. Others may say, "That isn't really my area. I'm going to have to really do a lot of background reading or take additional briefing."

17 And so you do have an uneven kind of treatment, or the
18 -- unless it's something that has one of these external deadlines, which
19 as a Commission we always try to respect, there is going to be kind of a
20 varying over time of who has been taking up and working on that paper.

21 So other than acknowledging that that paper is before us
22 and that it competes with a lot of other pieces of business before us, I
23 don't know that I -- I don't have an estimate for myself, and I don't know
24 that my colleagues do either, since Commissioner Wright indicated he
25 got nine linear feet of paper. It's in there somewhere.

26 COMMISSIONER WRIGHT: This was in it.

1 CHAIRMAN SVINICKI: Okay.

2 COMMISSIONER WRIGHT: If I might, you know, we
3 have -- we have it, and we are -- we have looked at it. We are continuing
4 to go through the process. One of the things that we really try to do in
5 my office is -- and you heard the term "collegial" -- we are -- we go
6 overboard in trying to make sure that, one, we don't step on somebody;
7 that we -- that we don't get in front of somebody unnecessarily.

8 We try to give our other Commissioners' offices the
9 opportunity to do their due diligence. You know, even though getting
10 noticed is not a huge deal at all on anything, we still try to -- try to just be
11 collegial and make sure that we don't get out there too quickly for
12 somebody and cause them undue problem. But we are looking at it, I
13 know that. I'm getting nods from my staff.

14 CHAIRMAN SVINICKI: Anyone else?

15 COMMISSIONER BURNS: Yes.

16 CHAIRMAN SVINICKI: Okay.

17 COMMISSIONER BURNS: It's in my in box, I expect,
18 within the month. I still have a few questions about it and the approach.

19 CHAIRMAN SVINICKI: Thank you. I would note --
20 okay. So I will reach out to the region and just pause for a moment. And
21 after that, I think we will have time for one more question in the room.
22 The region, do you have anything, or the regions?

23 Okay. Hearing nothing, is there -- this will -- and, again,
24 next we will hear from the NTEU. So we'll take one more question
25 before then.

26 PARTICIPANT: So I'm from IT, Commissioner Caputo,

1 and we would like a TARDIS. I just felt like no one got your back on the
2 Dr. Who reference, so I felt compelled.

3 (Laughter.)

4 PARTICIPANT: So this is actually a three-parter, but I
5 will just do two since it's the last question. How does the Commission
6 prioritize its voting schedule on policy papers? And how are risk insights
7 factored into the prioritization?

8 CHAIRMAN SVINICKI: Well, I think it's -- I would
9 represent the Commission -- and I have served with a lot of different
10 members of the Commission over time, and this has been very
11 consistent -- is that we are under law here as five individuals making a
12 group decision.

13 So there is no one person to set -- there is not like a floor
14 manager who gets to dictate the order within which we are voting things.
15 So we work with each other because we're collegial, but we also, of
16 necessity, need to coordinate somewhat so that we can get to final
17 agency action on a piece of business somewhat in concert with each
18 other.

19 And then risk -- again, certain things have a timing
20 sensitivity. In some cases, that may have a factor of addressing some
21 risk outside the agency. Often, that would not be things like a policy or a
22 rulemaking. It might be something like the issuance of an order, because
23 that would be a more immediately effective thing, addressing a risk.

24 And that may be an element -- good or bad -- in, fact that
25 papers move on varying schedules. Is that -- if it were truly something
26 that needed to be issued immediately because it addresses an existing

1 risk, some Commission long before this Commission established a
2 delegated authority to the staff to take some sort of action.

3 The deliberative body, whether it be large or small, does
4 not lend itself to say, "We need to take an action at a plant. We need to
5 direct an action, and it needs to be done in the next four hours." We
6 simply are not structured, so some Commission prior to us would have
7 done a targeted delegation to the Director of NRR or someone to
8 address such a matter, and then we would take it up more generically if
9 some change to the regulation needed to be made.

10 So that is why I would represent that individual or
11 immediate risk is not generally a factor in the work that we do, because,
12 again, it's something that would be addressed through a staff process.

13 So with that, I think I will now invite -- we will hear -- I
14 think we -- I was informed of a change. I think we will have Serita
15 Sanders, who is the Vice President of the National Treasury Employees
16 Union, is invited up to the stage to give remarks on behalf of NTEU.

17 And I will recognize you and thank you for being here
18 today and for the remarks that you will make. You might have been
19 drafted to do this at short notice, so thank you.

20 (Laughter.)

21 MS. SANDERS: Thank you. Good afternoon. I forgot
22 something real important.

23 Good afternoon, Chairman Svinicki, Commissioners
24 Baran, Burns, Caputo, and Wright, EDO Doane, executive managers, all
25 staff, and especially fellow bargaining unit employees.

26 As Chairman Svinicki stated, I am Serita Sanders, the

1 Executive Vice President of NTEU, Chapter 208, and also the second
2 union representative designated by the President, Sheryl Sanchez, to
3 work full-time exclusively for bargaining unit employees with her in the
4 union office.

5 Chapter 208 is the exclusive representative of all
6 bargaining unit employees at the Nuclear Regulatory Commission.
7 Sheryl planned to present these comments today as she has done in
8 previous years, and will likely be back next year to do so. But her son is
9 having surgery today, so she is unable to make it this year.

10 However, she plans to stream the meeting,
11 circumstances permitting, so she is here with us in spirit. Therefore, I am
12 delivering her comments on her behalf. I hope that I can deliver them
13 with the same passion that she brings to important issues.

14 I'm a little stoic, so you have to improvise. It is without
15 question that these current times are proving to be challenging for all
16 federal employees, all NRC employees, and most significantly, to NTEU,
17 the agency's bargaining unit employees.

18 As an agency, we are streamlining, consolidating,
19 renovating, reorganizing, merging, restructuring, realigning, innovating,
20 transforming, strategically planning, managing knowledge, leading, and
21 looking towards the future. Did I miss anything?

22 (Laughter.)

23 MS. SANDERS: All of this activity could be daunting for
24 a less dedicated, a less motivated, and a less talented workforce. On the
25 contrary, the most recent Federal Employee View Survey -- Viewpoint
26 Survey results demonstrate that our workforce continues to remain

1 engaged and dedicated, despite the fact that many are very worried
2 about their futures here.

3 In this uncertain environment, NTEU is busier than ever,
4 advising and counseling employees. It would not be an exaggeration to
5 say that our workload has doubled over the past few years. This is
6 troubling because many of our employees who are told that they are the
7 agency's most valuable asset are not feeling valued.

8 The feedback that we have received from one high-
9 performing employee indicates that he felt like a box of pens, a mere
10 commodity to be used up; and if he left, management would not care;
11 they would just purchase a less expensive box of pens.

12 NTEU accepts that the agency must have the right
13 people in the right places where the work is in order to accomplish its
14 mission. In the current environment, reorganization, stand-up centers of
15 expertise, forming mergers, and restructuring or realigning offices, this
16 often places employees in different jobs.

17 Sometimes this is a good thing, but we have literally
18 seen numerous cases whereby employees are reassigned and do not
19 receive the proper training, management support, and mentoring to
20 enable them to accomplish these new duties, which may be a bit out of
21 their wheelhouse.

22 Management is promoting change as a good thing and
23 essential in making NRC transformation work. But management hasn't
24 fully done its due diligence to support this change and prepare the
25 employee for this new opportunity. This is not fair to employees and also
26 not serving the agency well.

1 No matter the role that you play here at the NRC, we all
2 share the common goal and greater good of wanting the agency to be
3 successful. The agency has to make sure in its planning to create the
4 infrastructure needed for the employees' success.

5 One of the most important complaints that we receive
6 from our BU employees is that they do not feel like their management
7 appreciates them. There are many examples of employees always
8 willing to perform the extra task, go the extra mile or two, take on a
9 detailed assignment graciously, because the agency, due to the lack of
10 the skills in this area, needs their skill base somewhere else in the
11 agency, even though they would have preferred to stay in their current
12 position.

13 In lots of these instances, the same employee supports
14 both organizations, yet we are told from their experiences that it is better
15 to be beloved than hardworking. Nevertheless, employees continue to
16 work hard because this is the type of employee that we so often attract.

17 But -- and a cautionary but -- NTEU is concerned that we
18 are losing and at risk of losing more of the many talented employees that
19 we worked hard to attract and recruit for they are truly the future of this
20 agency and it would be unfortunate to lose them simply because they do
21 not feel appreciated.

22 NTEU's mission is to provide -- is to provide a work
23 environment that ensures our employees are treated with dignity and
24 respect. We strive to go a step further to ensure that our bargaining unit
25 employees are treated fairly and equitably. Sometimes we succeed.

26 Our chapter leaders work tirelessly every day on behalf

1 of our bargaining unit employees. If you review the current collective
2 bargaining agreement table of contents, you will see that we are involved
3 in every area of the bargaining unit employees' work environment, such
4 as leave, telework, hours of work, awards, promotions, details, rotational
5 assignments, reassignments, training, performance appraisals.

6 How could Sheryl do this to me, right? Performance
7 appraisals, system moves, and workspace changes, physical fitness
8 activities, parking, travel, disciplinary actions, and much more. We are
9 represent -- we also represent the bargaining unit employees' interests
10 on working groups dealing with initiatives like transformation and
11 mergers.

12 NTEU typically works well with management, and for
13 every manager that considers us unnecessary or a nuisance, there are at
14 least two that recognize our value and believe we add much more value
15 than we cost the agency.

16 Managers and other agency officials often send
17 employees to us. We can help our employees in ways that sometimes
18 the agency cannot. And typically employees and managers are grateful
19 and want us here representing NRC bargaining unit employees.

20 I would like to finish with an important message to our
21 bargaining unit employees. Our contract expires on November 9, 2019.
22 It is a very good contract, which was bargained with exceptional legal
23 assistance from our NTEU national office, and NTEU would prefer not to
24 open the contract.

25 Where the rubber meets the road is with good execution
26 of the collective bargaining agreement implementation making the

1 agency a good place to work, not bad. It's not the words in a contract. In
2 this environment of doing more with less, it certainly doesn't seem like
3 good use of NTEU's or the agency's resources to open the entire
4 contract.

5 However, we cannot prevent the agency from opening a
6 contract, and we have learned from other bargaining unit employees --
7 albeit not officially or from management -- that OCHCO has ticketed each
8 Office and Region for areas in the contract that warrants change, which
9 to us indicates their intent to open an entire contract.

10 To the bargaining unit employees, listen carefully. We
11 are really concerned that you are at risk of losing many of the benefits
12 and privileges that the current contract provides. One example of a loss
13 -- that is, fairness and equity for the bargaining unit employee, which we
14 believe they will come after -- is the direct relationship between
15 supervisory and bargaining unit employee performance awards amounts
16 that NTEU gained in the last CBA negotiations.

17 This required ratio has increased the awards for our
18 bargaining unit employees for the last few years.

19 Other examples of concern for NTEU include telework,
20 gliding, and the right of employees to have progressive discipline. We
21 cannot convey in words just how much we do for the bargaining unit
22 employees. That which is not written, we provide human compassion as
23 well to employees to make your work life better in this stressful times,
24 which goes way beyond our call of duty.

25 You never know when you're going to need us, and we
26 work tirelessly to make sure you maintain your dignity. For those

1 bargaining unit employees that want our support, and want us to remain
2 here fighting for you every day, it is imperative that you demonstrate to
3 management your support for NTEU.

4 We need you standing in solidarity now more than ever.
5 If there was ever a time to get more involved, this is it.

6 I would like to share a quote from Martin Luther King, Jr.,
7 which I admit I am borrowing from a speech given by former EDO Victor
8 McCree, but it has never been so appropriate as it is now. "The ultimate
9 measure of a man is not where he stands in moments of comfort and
10 convenience, but where he stands in times of challenge and
11 controversy."

12 In closing, I would like to thank all of our dedicated
13 employees for their service to our agency and our country. NTEU is
14 grateful to you for your service and honored to stand with you.

15 Thank you.

16 (Applause.)

17 CHAIRMAN SVINICKI: Thank you very much, Serita,
18 and certainly we send our thoughts and wishes to Sheryl, or more
19 specifically her son, today for a positive outcome. Thank you for those
20 remarks on Sheryl's behalf.

21 And with that, we will conclude our all employee
22 meeting. Thank you again, all, for your participation, and please walk
23 safely back to work.

24 Thank you.

25 (Applause.)

26 (Whereupon, the above-entitled matter went off the record at 3:27 p.m.)