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Four years ago I delivered my last speech at the Regulatory Information Conference (RIC). I have to tell you it was a bittersweet moment for me. I was leaving the Nuclear Regulatory Commission (NRC) having accomplished most, but not all, of the things I set out to do but knew that we could be proud of what the NRC staff and Commission had accomplished. But, I also knew the storm clouds that lay in the near future and was powerless to stop them. Little did I know that the storm would become a hurricane, and I think we are all still recovering.

There were four key points I raised, and the first really dealt with modernizing the agency and getting the right technology tools in the hands of our talented people. The point I made was that *“To be an outstanding regulator we need good people and a strong safety culture, but we also need the right technology.”* I am glad to see that NRC has continued to move in the direction of improving their technology but I want to express a caution. Sitting in your cubicle reading reports and doing Google searches is not the same as getting out there to see first hand, to gain experience by doing, working directly with operators and people solving problems, and yes, even stakeholders who oppose our views.

All agencies have to be prudent about travel and training and I appreciate that. But we are in the nuclear business and our business is not just in Washington DC but around this nation, and the World. This brings me to my second point, the evolving role of the NRC within the international community of regulators.

During my first few months in office I made it clear that NRC could no longer regard nuclear power in the United States as a strictly domestic enterprise and that the NRC needed to expand our engagement with our international partners. It may surprise you to know that I got a fair amount of push-back from many senior staff and some parts of the nuclear industry. But if you look back on the speeches and talks I gave, I kept harping on the fact that “*a nuclear accident anywhere is a nuclear accident everywhere because the public perceives “things nuclear” differently.*” Little did any of us know what Fukushima would do to the global expansion of nuclear power, or what shale gas would do to our own Nuclear Renaissance.

Fukushima demonstrated exactly why the NRC had to strengthen their international programs to promote global nuclear safety—and I make no apologies for doubling the budget of the International Program Office my first year in office. I also make no apologies for insisting senior NRC staff to engage at all levels with our international regulatory colleagues.

During my time at NRC, one of the most important functions of the International Programs Office was to strategically assess and plan Commissioner and senior NRC Staff visits and involvement in things like the Convention on Nuclear Safety. What many people never saw was the role of the State Department, the Department of Energy (DOE), and Department of Commerce (DOC), and the Interagency in helping organize these visits to promote the independence of our foreign regulatory colleagues and deliver the US nuclear safety messages in countries that were just starting along the path to nuclear energy.

In my opinion, this extraordinary effort by the NRC to be generous, sharing, open, and proactively engaged with our international partners has made us better regulators. We have promoted a high bar for global nuclear safety that will benefit us all for generations to come.

Now we come to my third point, and the low point in US nuclear policy. I am of course speaking about spent fuel and the Yucca Mountain license application. I said then that my view of Obama Administration's handling of this was "*unfortunate*".

When you are a sitting Commissioner, the term "*unfortunate*" is about as strong as your legal counsel let you use. But what I also said was, *"I would have preferred the White House to plainly say that it was implementing a policy change. The President has the right and the responsibility to set policy, and clearly an issue of national importance and complexity such as this needs to be periodically revisited. However, in my opinion, the Administration's stated rationale for changing course does not seem to rest on factual findings and thus does not bolster the credibility of our government to handle this matter competently."*

Clearly, the Federal courts felt the same way. I do not know of another instance in the history of the United States that a Court has had to issue a Writ of Mandamus for an independent regulatory body to do their job. I repeat it *"does not bolster the credibility of our government to handle this matter competently."*

I do not know if Yucca Mountain will ever be built, but I do know that we need a geologic repository. But whether it is Yucca or someplace else, or even better 3 or 4 places, it is not as important as rebuilding the credibility of our Government to handle the back end of the fuel cycle. In my opinion, that starts with the NRC doing their job, under

the law, to make the technical evaluation of the science and ultimately the licensing determination.

This brings me to my last point, the one which I can say concerned me the most, and that is Waste Confidence. During my RIC speech I reiterated my strong reservations about the premature review of the Waste Confidence rule which I raised publicly in 2008. It was not at all clear to me how the Commission could possibly consider Waste Confidence without taking into account the larger national policy changes being proposed by the new Administration. Since then, many things have happened that justified my reservations. I was not surprised by the Court of Appeals remand of the NRC's rule and while I think the NRC staff has been diligent about addressing the Court's orders, there remain some fundamental issues that need to be addressed.

First, the Nuclear Waste Policy Act (NWPA) and the Waste Confidence Rule cannot be separated. They are bound together in law and policy. Ignoring one weakens the other.

Second, the NRC has always relied on the Department of Energy to have an active program to manage civilian spent fuel and seek to license a geologic repository. The DOE's Office of Civilian Radioactive Waste Management was eliminated in September of 2010 and nothing has replaced it.

Third, the *Blue Ribbon Commission (BRC) on America's Nuclear Future* did recognize the linkage between the NWPA, Waste Confidence, and the future of nuclear power in this country. But in my view, they marginalized the consequences of failure. Rather, I believe that the BRC members actually believed that the Administration would

act on their recommendations, including proposed legislative actions. That has yet to happen and I doubt it will.

Last, DOE's response to the BRC, and hopes for a "pilot interim storage" solution, are poor substitutes for a National waste management policy and law. I believe that interim storage is an essential part of any fuel cycle program and an absolute necessity. As a nation, we need to act now to create centralized interim storage while continuing to seek a disposal site. I have been saying this since 1989 when I first served on the Monitored Retrievable Storage Review Commission.

But what is overlooked in all the dialogue about "consent based siting" and the NRC's confidence that long-term at-reactor storage is safe is this simple fact—the NRC's Waste Confidence rule is about disposal capacity, not storage. So with no clear policy, program, or process for achieving disposal capacity, how can we meet the most basic of requirements for Waste Confidence?

I do not know how we can proceed if Congress and the Administration continue to kick the can down the road on disposal capacity. Either comply with the NWPA or amend it, but don't continue to ignore it. Re-establish an office within the DOE with the mission of obtaining disposal capacity. Let the NRC do the job they are required to do by law. Finally, the BRC's concept of "consent based siting" sounds great and I certainly encourage the Administration to pursue it. But developing disposal capacity is ultimately a Federal responsibility that cannot be delegated to local governments ...and this gets back to Waste Confidence. How confident can the NRC be in the availability of disposal capacity if the Federal government is not fully engaged?

A final note, I went looking for the Blue Ribbon Commission documents, and what I found is that the BRC website, no longer exists. It has been consigned to the cyber cemetery at the University of North Texas. No, I am not kidding check it out “cybercemetery.unt.edu”. I hate to think that all that remains of *America’s Nuclear Future* is now in a cyber-cemetery in Denton, Texas.