



NRC NEWS

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“The Importance of Enforcement”

Prepared Remarks by

**The Honorable Gregory B. Jaczko
Commissioner
U.S. Nuclear Regulatory Commission**

at the

NRC Office of Enforcement Counterpart Meeting

**Cambridge, Maryland
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I want to talk this afternoon about the crucial role you play in ensuring the NRC is an effective independent regulator. The Commission must provide confidence to the public that radioactive materials are being handled safely and securely. To do so it must have the transparent processes, clear guidance and regulations, and consistent implementation.

I believe, however, that the key to success is an effective enforcement process. Generating regulations and guidance is important, but what defines a regulator is its ability to ensure that such regulations and guidance are implemented appropriately and that corrective actions are taken when they are not.

The agency's enforcement program is also where we receive much of our visibility. Enforcement associated with issues such as the Davis Besse vessel head hole, Indian Point sirens, and fire protection challenges generate attention and are viewed by many of our stakeholders as a measure of our ability to regulate. The agency's enforcement program is vital to the agency's mission and must get the renewed attention it requires.

As you continue your efforts to review and update the agency's enforcement policy, I would urge you to look for ways to further improve how the agency addresses these issues. For instance, making it an option to channel fines to third parties seems like an

idea with merit. A stronger role for the director of enforcement in the enforcement panels would seem a logical next step as well.

I also value OE initiatives such as the safety culture and the safety conscious work environment efforts. I believe the staff's efforts in these areas have generated very positive initial results. Attributes of safety culture have been incorporated into the reactor oversight process and an order has been issued to nuclear fuel services requiring a comprehensive safety culture assessment and increased efforts to strengthen the safety culture of that site. Now that the reactor safety culture program is maturing and as the staff focuses more attention on fuel cycle facilities, it will be necessary to make sure that safety culture and safety conscious work environment initiatives receive the Commission's full commitment.

I am also a strong supporter of the various venues that have been established which allow staff to express differing opinions. I believe the agency is strongest, and the Commission's decisions are the best informed, when disagreements at the staff level are fully explored in a positive environment and shared with the Commission. Because OE's staff has done such an effective job of bringing attention to the non-concurrence and DPO processes, and with the increasing number of agency staff overall, these programs are sure to be used more often in the years ahead.

Finally, I would like to share some initiatives I intend to pursue in the coming months. I plan on drafting a memorandum to my colleagues proposing that the Commission develop a policy statement describing our expectations for safety culture at reactor and material licensees. I think it is time to complement the 1996 policy statement on a safety conscious work environment and the 1989 policy statement on the safe conduct of nuclear power plant operations with a broad statement on a healthy safety and security culture at all NRC licensees. Recent inattentive guard issues demonstrate the importance of broadening safety culture to include security issues and a recent Senate hearing brought out the timeliness of a broader focus on safety culture. This policy statement should be informed by the staff's analysis of the first 18 months of the ROP safety culture initiative, so I intend to make my proposal after the beginning of the year. It should also be drafted by the experts in the subject, so be on the lookout for the potential to contribute to this effort early next year.

The other proposal is more of a longer term challenge to you and to other stakeholders and it involves the handling of allegations. Staff has done excellent work with allegations which are important to promptly resolve because of their potential safety implications and because they often serve as a vital input to the NRC about conditions at plants. I believe there are three improvements we should make to the allegation program at this time.

First, we should not refer an allegation to a licensee over the objection of the alleege. Such an objection is a clear indication that there are issues requiring the intervention of the independent regulator. Obviously, if the allegation raises an immediate safety issue, information to mitigate that situation will need to be provided to the licensee. The NRC, however, should remain responsible for investigating and resolving the issue.

Second, I believe we should refer fewer than the 40% of allegations we now forward to the licensees. OE, OI, and the inspectors do a great job investigating these concerns and it is a natural role for the NRC to play due to our independence, objectivity and expertise.

Third, for even those few allegations that everyone – the NRC, the licensee, and the alleged – all agree are best referred to the licensee to investigate, the NRC should play a more active role overseeing the licensee's actions. This would give us the opportunity to provide immediate feedback and direction to licensees, and to verify all appropriate steps are being taken while the allegation is being looked into.

Each of these steps will require additional resources, and I am dedicated to continuing to support additional resources for our enforcement program. I believe making these changes would improve the process and improve public confidence in the NRC.

I appreciate the opportunity to join you today. Counterpart meetings such as yours this week are great opportunities to take a broad look at responsibilities, challenges and opportunities. I look forward to answering any questions you may have and to continuing our dialogue about ways to support efforts to further strengthen the NRC enforcement program.