NRC NEWS

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"Public Involvement in the Regulation of Nuclear Safety"
Prepared Remarks of Commissioner Kristine L. Svinicki
U.S. Nuclear Regulatory Commission

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Thank you very much for that kind introduction. It is a tremendous honor to be asked to address this inaugural Regulatory Information Conference and I am very humbled by this invitation. This is also my first visit to Japan and I am enjoying very much the vibrant energy of its cities, the beauty of its cultural sites, and the graciousness of its people. I have had very productive exchanges with colleagues and look forward to learning more about nuclear developments here, as my visit continues. Thank you again for this opportunity and for the honor of addressing this distinguished conference.

As a Commissioner of the U.S. Nuclear Regulatory Commission, I have appreciated the opportunity to meet with safety authorities and nuclear operators from many countries. These discussions allow for an exchange of views on the different regulatory approaches of various nations, and the chance for us to share our experiences and recommended practices. Although countries around the world may be at different stages in the development of their nuclear programs, I believe all nations can benefit from working together towards common objectives of safety and security and that this work is very important.

Before I begin, I must explain that, as a nuclear regulator, it is not my role to advocate for the commercial uses of nuclear energy. My agency, the U.S. Nuclear Regulatory Commission, or NRC, is an independent regulatory body that is responsible for regulating the safe and secure use of nuclear technology and materials; a role very separate from that of the U.S. Department of Energy, which is responsible for developing and promoting nuclear technologies. Please note also that the views I will express today are my own and may not represent the collective view of the Commission on which I serve.

Today, I will be addressing the topic of public involvement in the nuclear regulatory process in the United States and providing an overview of how the NRC openly and transparently engages with citizens and stakeholder organizations in conducting its regulatory activities. But first, I think it will be most beneficial if I explain for you the NRC's guiding principles, which are formally known as the NRC's Principles of Good Regulation.

Originally issued by the Commission in 1991, the Principles of Good Regulation are intended as a guide to both agency decision-making and the individual conduct of NRC employees. They are described as fundamental guideposts in ensuring "the quality, correctness, and consistency of our regulatory activities." I believe these principles articulate the standards by which the regulated community and the broader public is asked to judge the NRC as a regulator and as an institution charged with ensuring the public trust.

The first principle – that of independence – calls for the "highest possible standards of ethical performance and professionalism," and notes that independence "does not imply isolation." All available facts and opinions must be sought openly. Conflicting public interests must be considered and final decisions must be based on objective, unbiased assessments of all information, and documented with reasons explicitly stated.

The second principle – openness – describes nuclear regulation as the public's business. The public must have the opportunity to participate in the regulatory process and open channels of communication must be maintained. I will be discussing this topic at some length, later in my remarks.

The third principle – that of efficiency – notes that the taxpayer, the rate-paying consumer, and licensees are all entitled to the best possible management and administration of regulatory activities, which should also be consistent with the degree of risk reduction they achieve. Regulatory decisions should be made without undue delay.

The fourth principle – clarity – calls for regulations that are coherent, logical, and practical. Agency positions should be readily understood and easily applied.

The fifth and final principle – reliability – states that regulatory actions should always be fully consistent with written regulations and should be promptly, fairly, and decisively administered so as to lend stability to the nuclear operational and planning processes. Most importantly, this principle supports the objective that – once established – regulation should be perceived to be reliable and not unjustifiably in a state of transition.

By publicly declaring these principles and by conducting its regulatory business according to them, the NRC seeks to promote public confidence in its oversight of the U.S. nuclear industry.

Of course, the public's confidence in and acceptance of nuclear technology play a key role in any nuclear resurgence. The Organization for Economic Cooperation and Development, in its report entitled "Comparing Nuclear Accident Risks with Those from Other Energy Sources," found that:

> "In addition to the main responsibility of the operator, the excellent safety performance of nuclear power generation is, at least in part, related to the efforts of nuclear regulatory bodies over the years in setting demanding standards of design and operation. Opinion polls also show that trust in the regulators and regulations is correlated with confidence that nuclear power plants can be operated safely. It is important that governments continue to ensure that regulatory bodies have the resources and competencies they need to maintain the necessary high standards."

Public involvement in the NRC's activities is a cornerstone of strong, fair regulation of the nuclear industry. The NRC recognizes the public's interest in the proper regulation of nuclear activities and provides opportunities for citizens to make their opinions known. The NRC seeks this public involvement early in the regulatory process so that safety concerns that may affect a community can be resolved in a timely and practical manner. The NRC provides various mechanisms for the public to learn about and participate in the regulatory process. Early involvement is vital to assuring the public that the NRC is making sound, balanced decisions about nuclear safety. The NRC engages the public in all phases of its regulatory activities, including rulemaking, licensing, and safety oversight of licensees.

One of the primary duties of the NRC is to establish regulations on the safe use of nuclear materials through a process known as rulemaking. These regulations address a broad range of topics such as siting, design, construction, operation, and decommissioning of nuclear power plants, fuel facilities, uranium recovery and enrichment facilities, waste disposal sites, and transportation systems.

Rulemaking is initiated mostly by NRC's technical staff, although any member of the public may petition the NRC to develop, change, or rescind any regulation. Typically, rulemaking involves three phases: technical basis development, preparation of the proposed rule, and preparation of the final rule. All rulemaking provides the public with at least one opportunity for comment and often, there are several opportunities during each of these phases. In some cases, NRC holds meetings and workshops to engage the public in a dialogue on the rulemaking. Proposed and final rules, as well as public meeting notices for these rules are published in the *Federal Register*, which is a daily publication announcing rules, policies, and other important actions of the Federal Government.

Comments are factored into the development of the final rule, which, like the proposed rule, is again published in the *Federal Register*. Through this multi-step process, public input is sought and considered as the agency proceeds through its decision-making process.

The NRC also issues press releases for rules that have strong public interest. Policy statements, regulatory guidance, and generic communications with licensees that have significant public interest are often handled like a rulemaking, offering the opportunity for public comment.

Another significant area of activity is licensing. The licensing process includes those activities related to the approval of an initial license, amendments to existing licenses, applications for license renewal, and applications for exemptions from NRC regulations.

As part of the pre-licensing process, the public is notified through the *Federal Register*, press releases, and local advertisements that an application has been received. Notices regarding opportunities for hearings or public comment on most licensing actions, including amendments to a facility's operating license, or license renewal proceedings, are published in the *Federal Register*. The purpose of the hearing is to address concerns of individuals or entities that are directly affected by the licensing action at issue. Additionally, if local interest is strong, the NRC may decide to hold public meetings in the vicinity of a proposed facility. Notices of local meetings may be mailed to citizens' groups and civic and government leaders in the community and may be advertised in local newspapers.

Another factor the agency must consider is the environmental effects of its major rulemaking and licensing actions. The process for considering these effects is governed by the National Environmental Policy Act, which became law in the United States in 1969. This law requires the Federal government to evaluate the impacts of a proposed action on the environment. The result is a detailed, scientific study, which describes the environmental impacts and is available to the public. But even before a final report is produced, the NRC provides a forum for members of the public to express their opinions and provide information in preparation for environmental evaluations. The NRC holds public meetings and solicits public comments to help identify issues to be addressed in an environmental impact statement. This effort typically involves State and local government agencies, Indian tribes, and other interested people.

Public involvement is also important to the NRC's oversight activities, which can be described in three phases: inspection, enforcement, and performance assessment. Most reports of routine and special inspections are made available to the public, except for those dealing with sensitive or security-related matters. For some special inspections that have high local public interest, the NRC conducts public meetings to review the inspection findings.

Next is the NRC's enforcement program, which seeks to protect public health and safety by ensuring that licensees comply with regulations and license conditions. Enforcement actions might take the form of notices of violations, civil penalties, or orders to modify, suspend, or revoke licenses. Pre-decisional enforcement conferences are often held with a licensee, a vendor, or other person before the NRC makes its final decision on a significant enforcement action. In most cases, these conferences are open to public observation. The NRC issues press releases announcing all open enforcement conferences, as it does with public meetings, and makes available summaries of those enforcement conferences, NRC actions, and licensee responses.

Additionally, any member of the public may raise potential health and safety issues by petitioning the NRC to take specific enforcement action regarding a licensed, operating facility. These petitions include specific facts supporting the request for NRC action. However, unsupported assertions of safety problems or general opposition to nuclear power are not considered sufficient grounds for action. The NRC reviews the petition and if warranted, can take action to modify, suspend, or revoke a license, or can take other appropriate enforcement action.

Information regarding the third phase of NRC oversight – assessment of nuclear power plant safety performance – is available to the public in many ways. Performance indicator data for each plant are available on the NRC's website, periodic assessment reports are publicly available, similar to inspection reports, and an annual public meeting is held near each plant to present the NRC's assessment of plant safety performance. Additionally, the Commission holds an annual public meeting on the performance of power reactor and materials licensees. This meeting is webcast over the internet, and can be viewed from anywhere in the world.

Workers in the nuclear industry also play a key role in NRC oversight. Often, workers at nuclear power plants or members of the public raise concerns that safety rules are not being followed at the facilities where they work or near where they live. The NRC has established a formal process for reviewing and resolving these concerns. The NRC encourages workers in the

nuclear industry to take their concerns directly to their employer because the employer has the primary responsibility for maintaining safe operations of the facility. However, should employees not be satisfied by the company response or choose to bring safety concerns directly to the NRC, they may do so by calling the NRC safety hotline.

Earlier, I mentioned that not all inspection reports are made available to the public. Similarly, there are types of meetings that are not open to the public. These include discussions of classified, proprietary, or safeguards information; or meetings related to ongoing investigations or discussing privacy information. Schedules of all NRC meetings are available electronically on the NRC's public website.

I will also mention one other important mechanism for members of the public to gain access to government information. Under the Freedom of Information Act, members of the public may request copies of NRC documents and, unless these records fall under specific exemptions laid out in the law, the NRC must provide access to them in response to the request.

The NRC's Office of Congressional Affairs also engages in extensive outreach with elected officials at the Federal and State level and the Commission, itself, is regularly called to testify before oversight committees of the United States Congress.

Finally, at any time, a member of the public can request information in writing to the NRC or identify concerns about nuclear facilities through routine correspondence. Routine correspondence between NRC and its licensees is also made publicly available.

I hope this description of the many ways that NRC provides information and opportunities for members of the public to participate in the nuclear regulatory process has given you a picture of the extensive effort that NRC makes to fulfill its commitment to the principle of openness. As outlined in NRC's Principles of Good Regulation, nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory process, as required by law. Open channels of communication must be maintained with Congress, other government agencies, licensees, and the public, as well as with the international nuclear community. Through these efforts, NRC seeks to build public confidence in its important safety and security mission.

Thank you very much.