NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION
Office of Public Affairs Telephone: 301/415-8200
Washington, D.C. 20555-0001
E-mail: opa.resource@nrc.gov
Site: http://www.nrc.gov

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"Stakeholders and the Public: An Integral Part of Effective Regulation"
Prepared Remarks for
The Honorable Gregory B. Jaczko
Chairman
U.S. Nuclear Regulatory Commission
at the
Organization for Economic Co-Operation and Development/Nuclear Energy Agency
Workshop on Practices and Experiences in Stakeholder Involvement
For Post Nuclear Emergency Management
Bethesda, MD
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Thank you for the introduction. I would like to thank the OECD Nuclear Energy Agency and its Committee on Radiation Protection and Public Health for making this event possible. The subject of today's workshop – emergency management – is a critically important part of a nuclear regulator's safety mission. Even as a regulator works hard to prevent issues or accidents from arising in the first place, an effective regulator also will develop strategies to mitigate and contain them in the unlikely event that emergencies arise.

Through this forum, we have the opportunity to share our practices and perspectives on how best to encourage and structure stakeholder involvement to enhance our regulatory efforts. It is in the area of emergency preparedness and response – perhaps more than in any other – where the NRC and other regulators engage the public. With such a diverse range of organizations, including governmental authorities, technical and professional groups, and international organizations represented here today, I believe we will have very productive discussions. In my remarks, I would like to share with you how the NRC approaches its responsibilities in this area, and I look forward to hearing your perspectives as well.

In order to be effective, I believe that a regulator needs to work towards two important goals: (1) policies based on sound science, technical, and regulatory decisions; and (2) public confidence in those policies to implement them in the most effective way possible. Stakeholder involvement is an important part of achieving both of these goals. Since emergency preparedness requires a broad range of stakeholders – licensees, government officials, and the public – to effectively coordinate their efforts, the regulatory policymaking process can benefit from their different perspectives. Furthermore, by conducting proactive public and stakeholder outreach, a regulator can make them active participants in the decision making process, address their potential concerns or suggestions in that process, and help build public confidence in the final decisions that are reached.

Throughout my years on the Commission, I have firmly believed that decisions are at the heart of every regulator's job – decisions about what rules to adopt, under what circumstances to grant licenses, how to conduct inspections and oversight, and when to take enforcement actions. Decisions make the regulator. As with any other safety area, making the right decisions and developing sound policies on emergency preparedness first and foremost depends on having the necessary staff, technical expertise, and financial resources.

The Commission benefits tremendously from having a staff with a broad spectrum of qualifications and experience – from technical engineering expertise to professional experience in emergency response. It is also critical that the regulator have the necessary resources to review planning procedures, oversee training programs, and conduct exercises to test a licensee's ability to implement its emergency response plan. Without the NRC's hard-working staff, broad technical expertise, and financial resources, the agency could not meet its safety mission.

We have learned from past experience that emergency planning must be a continuous process whereby regulators, operators, and stakeholders continually reexamine old approaches and develop new strategies. The completion of an initial emergency plan that meets regulatory requirements is the beginning – not the end – of emergency preparedness. An operator should continually adjust its plan to address local circumstances and changing conditions, and a regulator's rules and oversight should ensure that the operator does just that. As you know, the range of potential future challenges is by no means static; in turn, our understanding of what emergency preparedness and response require must necessarily evolve to address those challenges. For example, in recent years, the Commission has considered new scenarios and protections in light of the evolving threat environment since September 11, 2001.

That continuous process requires that a regulator examine a broad range of experience and practices to determine how to most effectively meet its safety mission. A regulator, of course, should learn from past experiences in real-life emergency situations. The Three Mile Island accident was a seminal event in the history of the U.S. nuclear industry and the NRC, and one that led the agency to shift towards a more integrated approach to emergency preparedness. Fortunately, it is exceedingly rare that an actual event provides a real-world test of emergency preparedness and response capabilities in the nuclear field. That means it is critical, however, to consider the experience of other regulators, practices in other relevant industries, simulated exercises, and research studies on these issues.

This continuous process of reexamining old approaches and developing new strategies will be most productive if, as part of that process, the regulator engages a broad range of stakeholders in a sustained dialogue about these issues. For the NRC, emergency preparedness involves a diverse group of stakeholders, including: licensees; federal, state, and local agencies; emergency responders; and the public. Different stakeholders have unique perspectives, different areas of expertise, and distinct roles that they fill in the event of an emergency. By providing the opportunity for stakeholders to provide information, raise concerns, and suggest improvements, a regulator can strengthen its policymaking process and reach better, more well-informed decisions.

Through this type of open, informed, and deliberative process, a regulator will help ensure that it makes the right decisions to protect public health and safety. But a regulator also should recognize the importance of public confidence in those decisions because a lack of confidence can make even the best

decisions difficult to implement. Of course, public confidence is not something a regulator should strive to achieve by changing the decisions it makes – these must always be based on sound scientific, technical, and regulatory considerations. But it is something a regulator should be mindful of as it interacts with the public and stakeholders. That is especially true in the area of emergency preparedness and response, which requires effective communication and coordination.

Whether you are in the business of operating or regulating a safety-sensitive field, public communication is an important and challenging aspect of your work. Few civilian technologies – if any – have the ability of nuclear energy to attract public attention and elicit public concerns.
That reflects the fact that the handling of nuclear materials will never be entirely risk-free; there always will be potential risks to public health and safety. But it also reflects the fact that the public perception of those risks often times does not align with the best available technical estimates of the risks.

For the professional risk assessor or risk manager, the question of risk boils down to two factors – the probability of an accident and the severity of its consequences. It takes a great deal of complex and challenging work to generate accurate numerical estimates in risk analysis, and it is often in that language that risk professionals and technical experts feel most comfortable discussing risk issues. We must remember, however, this is our job – not the public's job. That is why in recent years, the NRC has been focused on communicating with the public in clear, understandable language and reducing our use of overly complex lingo. There is a lot more to effective public outreach and building confidence on risk-related issues than simply the language you use, but it is an important step in the right direction.

Furthermore, it is important for anyone involved in risk management to recognize what social psychologists have demonstrated through decades of research – the public perception of risks is shaped by many other factors other than numerical risk estimates. Those factors include whether a risk is voluntarily or involuntarily undertaken, the sense of personal control, the familiarity of the potential hazard, and whether an individual feels part of the decision making processes that affect his or her safety. That last factor should be of particular significance to a regulator that is trying to build public confidence in their policy decisions.

As required by our governing statute, the NRC provides opportunities for public involvement in many licensing actions. That is a tremendous responsibility, and it is also a tremendous opportunity to build public confidence in the agency and its decisions. In order to take advantage of that opportunity, the agency works hard to maintain open and transparent processes that engage the public and our stakeholders. Through opportunities to comment on our rules, public hearings and meetings, and stakeholder workshops, the Commission encourages the public and our stakeholders to be active participants in our decision making.

There are too many views on too many issues to expect consensus as a matter of course. The public and our stakeholders, however, should feel that they are a valued part of a fair process and be able to understand why the agency makes the decisions it does. Through openness and transparency, a regulator can address issues, mitigate others that might not be readily resolved, and build the trust to make future discussions even more productive. It's also important to recognize that public confidence is not the same thing as public agreement or public acceptance – the public can have confidence in an institution without always agreeing with it.

A key premise of today's workshop is that one of the most important lessons nuclear safety regulators have learned from past experience is the central importance of stakeholder involvement in emergency management planning. I strongly agree with that view – stakeholder involvement contributes both to sound policy choices and public confidence in those decisions. This workshop will be addressing very important safety issues over the next three days. I am sure that you will have a very productive dialogue, and I look forward to hearing about the progress you make during this workshop.