

# Integrated Regulatory Review Service Mission to the United States

## **ELECTIVE POLICY ISSUE # 1: TRANSPARENCY AND OPENNESS**

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### **Overview**

The U.S. Nuclear Regulatory Commission (NRC) has a longstanding practice of conducting its regulatory responsibilities in an open and transparent manner to keep the public informed of the agency's regulatory, licensing, and oversight activities and to involve stakeholders in the regulatory process. Since its creation in 1975, the NRC has viewed openness as a critical element for achieving the agency's mission to regulate the Nation's civilian use of radioactive materials and thereby protect people and the environment.

### **NRC Policy/Program**

#### **Background/History**

Starting with the Atomic Energy Act of 1954, which mandates a public hearing before issuance of a construction permit for a nuclear power plant, laws have been established to provide for openness. Laws such as the Sunshine Act (which ensures open meetings) and the Freedom of Information Act (which allows public access to official documents) have resulted in increased openness and transparency.

Openness is an important objective in the agency's Strategic Plan and helps to maintain and enhance the public's confidence in the NRC as a good regulator. The agency has built a strong foundation of openness policies and practices that guide its regulatory activities. The agency strives to keep open channels of communication with Congress, other government agencies, licensees, the international community, and the public.

#### **Current Policy/Program**

Making information available to the public is one of the NRC's key means for assuring openness. The main channels of information used by the NRC are its public Web site, online public document system (the Agencywide Documents Access and Management System (ADAMS)), press releases, brochures, videos/Webcasts, and public meetings. It is NRC policy to make nonsensitive documents public unless there is a specific reason not to do so. Documents related to operating reactors that are routinely made public include draft and final rules, policy decisions, standard review plans, generic communications, inspection findings and reports, safety and environmental assessments, annual performance assessments, license amendments, and docketed correspondence. The agency issues press releases to announce such items as the availability of license renewal applications, opportunities for a hearing, meetings in the plant vicinity to discuss the license renewal process, annual plant safety assessments, environmental issues, draft environmental impact statements, and final safety evaluation reports.

The NRC performs licensing actions in an open, transparent manner with multiple opportunities for public awareness and input. The process begins when the NRC receives the licensing application. The application is docketed for review and then placed into ADAMS. The application would typically be made publicly available unless it contains sensitive information. In

that case, the sensitive information would be redacted from the publicly available portion of the application. Types of information typically redacted include both security-related and proprietary information. The license applicant provides the justification for treating information as proprietary; however, the NRC performs an independent review to confirm that the information meets the requirements for withholding from public disclosure. During the subsequent licensing review by the NRC, the staff may have questions related to the application. The staff either relays these questions, or “requests for additional information,” to the applicant in a written request or identifies them during a meeting related to the application. The request for information and any responses received from the applicant are placed into ADAMS and, provided that the response does not contain any sensitive information, are made publicly available. Meetings held during the licensing process are advertised in advance on the NRC’s external Web site and are open for public observation. Written summaries from the meetings are drafted and placed into ADAMS as publicly available records. After all of the NRC’s questions have been satisfactorily addressed, the agency reaches a licensing decision. The process may vary somewhat depending on the type of application, but typically, licensing decisions are publicly announced in the *Federal Register*, and the public is given an opportunity to submit comments or to request a hearing on the proposed licensing action. Subsequent to implementation of the licensing action, the public maintains the right to request the NRC to either modify its regulations or the actions of a specific licensing action.

Similarly, the NRC conducts its inspection and oversight activities in an open and transparent manner. The inspection program guidance and procedures are publicly available and maintained on the NRC’s external Web site. Agreements with State agencies allow State nuclear safety inspectors to observe and accompany NRC inspectors during the conduct of inspections. Publicly available inspection reports document inspection findings and observations. Inspection exit meetings for activities of potentially high public interest (for example, emergency preparedness exercise inspections) may be open for public observation. Enforcement actions that may result from an inspection activity are transmitted in publicly available letters and results of significant enforcement actions are posted to the NRC’s publicly available Web site. Predecisional enforcement meetings with licensees, in which the NRC obtains the information necessary to make an enforcement decision, are also sometimes open for public observation, depending on the nature of the enforcement action being proposed. Inspection reports containing sensitive information, such as security-related information, may not be publicly available in their entirety, but a publicly available cover letter providing a brief overview of the inspection results is released. The NRC is proactive in engaging external stakeholders regarding the results of inspection activities that are believed to be of high public interest. For these types of issues, the NRC will often develop a formal communications plan to inform affected stakeholders regarding the results of its inspection activities and conclusions. Sometimes the NRC will hold public meetings to discuss the inspection results for items of potentially high public interest. For power reactors, the NRC maintains inspection results and plant performance data on the agency’s external Web site and holds periodic plant assessment meetings at the conclusion of each annual assessment period. These assessment meetings are open for public observation, and the public has an opportunity to comment and question the NRC staff before the meeting concludes.

### **Strengths of Current Policy/Program**

The NRC’s strengths include a strong commitment to openness and transparency by senior NRC leadership and staff, the inclusion of openness and transparency as a core NRC organizational value, adequate resources and support infrastructure, and the proactive integration of openness and transparency into the agency’s regulatory mission.

## **Considerations for the Future**

The agency is also considering other means to encourage more public involvement in the NRC's decision making and regulatory processes such as the recently launched "Open Government" initiative. A question in this area involves determining how the NRC should adopt the "Open Government" tools to better engage the public in areas such as license renewals and new reactor applications.

Another evolving area includes the better use of new electronic tools to improve openness and transparency. The NRC will explore ways to improve its use of Webcasts of public meetings or Webinars to provide greater visibility to a wider group of stakeholders. Similarly, the agency will consider the use of Web-based tools and social media technologies such as Facebook, Twitter, YouTube, and blogging to enhance its ability to engage the public, maintain a productive dialogue, and solicit innovative ideas regarding the agency's regulatory activities.