

No.: S-16-010

September 29, 2016

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**Remarks of Chairman Stephen G. Burns
Senior Regulators' Meeting Session III:
Regulatory Readiness of Countries Embarking on a Nuclear Power Program
60th Regular Session of the IAEA General Conference
September 29, 2016**

I am pleased to be here this afternoon with this distinguished panel to discuss the importance – and challenge – of developing or maintaining an effective, independent regulatory framework in countries having or considering a nuclear power program.

Although we may all recognize that the operator has the primary responsibility for the safety of its nuclear installation, this principle does not diminish the responsibility or accountability of regulatory bodies in establishing a strong framework within which the operator is held accountable for the safety of its activities. Looking back at the evaluations of the causes of significant accidents, a common theme is the weakness or ineffectiveness of the regulatory body as a contributing cause to the circumstances that led to the accident. For example, the President's Commission on the Accident at Three Mile Island concluded in its report that, at that time, "With its present organization, staff, and attitudes, the NRC [Nuclear Regulatory Commission] is unable to fulfill its responsibility for providing an acceptable level of safety for nuclear power plants." An official study of the Chernobyl accident concluded that the national regulatory body "could not be regarded as an independent body." More recently, the National Diet Investigation Committee bluntly stated that the Fukushima Daiichi accident was a "manmade disaster" resulting from the "collusion between government, regulators, and TEPCO [the utility operator]." The credibility and effectiveness of the regulator requires continuous attention.

In my view, we all have a stake in ensuring that countries that want to pursue a nuclear power program have a sustainable, national nuclear safety infrastructure. And the foundation for such an infrastructure consists of regulatory institutions that have strong technical capacity, demonstrate credibility and independence in the execution of their responsibilities, and model the safety culture that we expect from operating organizations. The strength of our regulatory bodies in demonstrating these qualities is important to engendering public trust.

I believe the regulator's technical staff must be more than just competent. They should, ideally, be the best of the best. Their experience, their diligence, their commitment to safety must be beyond reproach. And if the technical issues pose particular challenges beyond the immediate capacity of the staff, the ability to supplement the agency's expertise through outside technical support is critical. The staff's credibility is directly related to the credibility of the entire organization. Proper training is vital, and an appropriately structured regulatory program within which they make licensing decisions and

provide oversight and enforce established standards, is critical. The staff must be dedicated to the mission and vision of the organization, and support a strong safety culture with adherence to high standards of conduct.

Similarly, the regulator's independence must be beyond reproach. The basic principle reflected in the Convention on Nuclear Safety as well as the Joint Convention calls for the separation or independence of the regulator from the bodies of government responsible for the promotion of nuclear energy as well as those engaged in nuclear power generation. Although we are ultimately accountable as government institutions under the laws and political systems of our respective countries, we must always strive to ensure that our decision-making and actions are rooted in the sound scientific and engineering judgment that we are established to undertake. The regulator must be consistently open and transparent with its stakeholders to show such undue influence does not exist. The regulator must have adequate and sustainable funding to demonstrate its ongoing reliability, as well as, ideally, ongoing interaction with and support from our colleagues around the world.

I do recognize that culture and history can – and will – impact public perception and acceptance of any regulatory regime. And that can prove to be a challenge in some cases. However, the bottom line is that, no matter what the country, the culture, history or status of nuclear power development, the public must have trust in the regulator, and the regulator has a responsibility to nurture and maintain that trust. The NRC's Strategic Plan states as our vision: A trusted, independent, transparent, and effective nuclear regulator.

I've spoken before about how a regulator earns the trust of the public. Let me touch on the subject again, because it is particularly relevant here. Trust is earned when a regulator makes its decisions in an open manner, with explanation of conclusions and after carefully considering many opinions and varied input.

It appears to me, too, that the regulator further builds confidence by constantly assessing "how safe is safe enough" based on experience and analysis, and an informed assessment of risk. As regulators, we must be neither too lax nor too strict, nor so isolated that we are making decisions in a vacuum. I call this balancing act "the regulatory craft." I believe there needs to be a sense of craftsmanship to good regulation. We regulators should, I believe, constantly pursue the "sweet spot" between under regulation and over-regulation. I believe we need to pursue effective regulation without imposing undue burden and stifling innovation. We need to set certain boundaries, but boundaries that allow operators to undertake electric generation effectively and to innovate within the safety framework.

While we're never going to convince everyone that we as regulators are dutifully practicing regulatory craftsmanship and being transparent in our processes, I believe we must always strive for that ideal. Every regulatory regime – new or established – must find its own path to this common ideal. As more established nuclear regulators assist newer regulators, as we all take advantage of others' operational experience, as we work together toward regulatory craftsmanship, we are showing our respective countries and the world as a whole that we are providing credible oversight worthy of their trust.

I believe that there are several key questions that we can ask ourselves in assessing the effectiveness of our regulatory bodies:

- Are the institutional authorities and responsibilities of regulator clear and appropriate?
- Have applicable international instruments and standards been integrated into the regulatory regime?
- Does the regulatory framework comprehensively address the primary objectives of safety and security?
- Is the primary responsibility of the operator for safety clear?
- Is the scheme of regulation transparent, adaptable, and coherent?

I personally want to encourage regulators to take full advantage of the peer-to-peer resources and technical assistance offered through the IAEA. The IAEA's International Regulatory Development Partnership (IRDP) provides technical assistance to develop organizational infrastructure and programmatic resources for licensing and oversight of nuclear reactors.

The Integrated Regulatory Review Service (IRRS), as another example, affords countries the opportunity to compare their nuclear regulatory approach to international safety standards and good practices. There is also a wealth of resources available through bilateral and multilateral assistance programs for countries embarking on new nuclear power programs, as well as for countries interested in enhancing or expanding their current program.

I believe there is substantial benefit to all of us in regard to our adherence to international treaties and conventions. I encourage greater participation in the Convention of Nuclear Safety (CNS), based on all of our common interest in achieving high levels of safety. The 7th CNS review meeting will be held next spring and all contracting parties are encouraged to attend and fully participate. I am pleased to note that the United States recently submitted its National Report, and we look forward to engaging with the contracting parties to the CNS during the review meeting I hope that I will see you there.

Although each of us has a responsibility under our respective national laws to ensure the safety of nuclear installations under our purview, I believe we can strengthen the global community of nuclear regulators and enhance our capability of achieving our safety goals through the synergy we create in sharing our experience, collaborating on research and capacity-building, drawing on insights gained through forums for international cooperation, and engaging meaningfully in the opportunities for peer review to strengthen our organizational capability.

Thank you for the opportunity to participate in today's program. I look forward to the discussion ahead.