



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

April 22, 1997

OFFICE OF THE
COMMISSIONER

MEMORANDUM TO: John C. Hoyle, Secretary
FROM: Edward McGaffigan, Jr. *E. McGaffigan Jr.*
SUBJECT: COMNJD-97-001 - CLARITY OF PUBLIC COMMUNICATIONS

Having reviewed both Commissioner Diaz' COMNJD-97-001 on the need for clarity in our public communications and our final decision reflected in the Staff Requirements Memorandum (SRM) on DSI 14 on public communications, I am in full agreement, conceptually, with Commissioner Diaz' views that the agency needs to "provide correct and clear information to the public, especially in cases of incidents that could generate anxiety or fear".

As I noted in my vote on DSI 14, in the short time I have been at the NRC I have found much of our documentary communications with the public (other than that prepared by our communications professionals in the Office of Public Affairs) to be incredibly dense, confusing, and probably not fathomable or understandable to the general public with whom we are attempting to communicate. I have also perceived an occasional lack of advance coordination between our technical staff who may be working a particular problem and the Public Affairs personnel who can help the staff express highly technical issues in terms that are meaningful to the public. I believe that the Public Affairs staff should be looked on as one of our most important public communications resources and should be consulted by the technical staff prior to any public communications on significant regulatory initiatives, incidents, or any regulatory matter in which the public is likely to have a substantial interest.

Having said that, and wholeheartedly agreeing in principle with the thrust of Commissioner Diaz' proposal to take immediate steps to ensure that we provide correct and clear information to the public, ensure full coordination between the OPA spokespersons and the technical staff, and institute procedures whereby complete and sound technical guidance is provided to the NRC spokesperson (I would note that such guidance should include input from the Office of the General Counsel on the legal ramifications of the matters which are the subjects of our public communications¹), I do believe that we need to exercise caution in the following respects:

- 1) As I have noted in nearly all of my votes on Strategic Planning

¹ The recent public communication involving the NRC and DOJ actions on the inappropriate release of OI investigative findings to the Maine Yankee licensee is an example of an instance in which close coordination among NRC technical staff, OGC and OPA was critical prior to any public communications by NRC on the matter.

Direction Setting Issues, I am concerned in this time of budget reduction efforts about the commitment of additional personnel and monetary resources to carry out our decisions in the strategic planning arena. It is my view that we must strive to effectively and efficiently carry out our core mission of protecting public health and safety in the use of nuclear materials on the basis of existing resources and limit the commitment of additional resources to those areas that are critical to our public health and safety mission. For this reason, I am reluctant to devote substantial additional NRC resources to the area of public communications. Although it is essential that we improve the clarity and effectiveness of our public communications, I believe that the needed improvements can be accomplished without committing additional resources. Thus, I believe that any initiatives to address Commissioner Diaz' proposal should be carried out using or reallocating existing resources. In this regard, I agree with the Chairman's suggestion that Commissioner Diaz' concerns should be considered by the recently established coordinating group² that is to determine the requirements for strengthening our public communications program.

- 2) While I agree with Commissioner Diaz that we should not overstate or misstate the safety significance of incidents and occurrences in our public communications, I believe that a strict reliance on risk-based quantitative characterizations of incidents may be an oversimplification of the situation that will not always appropriately describe the real safety significance of a particular incident. For example, I agree that the Zion operator rod movement problem referred to in Commissioner Diaz' discussions did not present a significant risk to public health and safety in the actual circumstances of that case and that NRC statements raising the potential for "hot spots" in the reactor core were not useful or correct. On the other hand, as PNO-III-97-010 on the subject points out, the propensity of the reactor operator to move rods, apparently without following procedures and without a prior analysis of the possible consequences of such action, especially in light of previous problems in control room operations at other Commonwealth Edison facilities³, represents "non-conservative decision making" and a "breakdown in command and control" and could portend a potentially greater programmatic problem related to operator actions and reactivity control which itself has safety significance. The public should be accurately informed of this potentially significant problem

² Pursuant to the SRM on DSI 14, the Director of the Office of Public Affairs has convened a "Communications Coordinating Committee" and has initiated work of the Committee to formulate a plan to improve our public communications.

³ See, e.g., EA 93-182, IA 94-006 and IA 94-008 (April 1994) involving an incident at the Dresden facility where certain operators mispositioned control rods, failed to follow licensee procedures applicable to mispositioned rods, and then attempted to conceal the event from licensee management after being told that management would not tolerate rod mispositioning errors.

and not be left with a misimpression that the overall incident had little or no safety significance. Our public communications must take these sorts of considerations into account and not simply end with an oversimplified reference to the risk reflected in the actual event.

With these limitations, I support Commissioner Diaz' proposal that we seek to coordinate NRC efforts to improve the accuracy and clarity of our public communications, and I support the Chairman's proposal that the Communications Coordinating Committee consider Commissioner Diaz' concerns in formulating the plan to implement the Commission's final decision on public communications.

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
EDO
OGC
OPA
SECY
CFO