

Document Preparation Profile (DPP) Version 7 dated 24 May 2012

1. IDENTIFICATION

Document Category	General Safety Guides
Working ID:	DS460
Proposed Title:	Communication and consultation with interested parties in regulatory activities
Proposed Action:	New document to create complete and coherent guidance regarding communication and involvement of the public and other interested parties in the regulatory activities in a transparent and open manner.
Review Committee(s) or Group:	NUSSC (Lead), RASSC, TRANSSC and WASSC
Technical Officer(s):	<u>Jean-René JUBIN (NSNI)</u> , Ibrahim SHADAD (NSRW)

2. BACKGROUND/RATIONALE

Over the last decades, there has been a growing societal awareness about the necessity for transparency, openness and involvement of interested parties in the safety-related issues. Members of the public usually have limited knowledge and a great deal of uncertainty in any issue involving radiation because of the complexity of this topic, the perceived risk associated with nuclear energy and the use of ionizing radiation sources. Most people, who are dependent on information provided by regulatory bodies, operating organizations, experts and the news media, want to have access to reliable, comprehensive and easily understood information about safety and regulatory issues to form their opinion. They also want to have fair and reasonable opportunities to provide their views and to influence regulatory decision-making processes.

Beyond the legitimate interest of the public and other interested parties in radiation and nuclear safety matters, it is recognized that safety issues are best handled with the participation of all concerned citizens, at the relevant level. There are several rationales for being transparent, open and for involving interested parties in regulatory activities:

- *Independence*: being more open and transparent will allow a regulator to effectively demonstrate its independence. Moreover, transparency and openness make any undue influences more visible and therefore enhances the ability of a regulatory body to make independent decisions;
- *Credibility and legitimacy*: transparent and open communication about regulatory decision-making and opportunities for public involvement in that process reinforces interested parties' awareness of the role and responsibility of the regulatory body for protecting public and the environment from harmful effects of ionizing radiation and helps to inform interested parties how it discharges its duties. In contrast to promotional organizations concerned with public acceptance of nuclear energy as such, the regulatory body is concerned only with promoting safety through regulatory activities. Use of a transparent and open regulatory decision-making process helps to demonstrate and reinforce this distinction;
- *Higher quality in regulatory function implementation*: the active involvement of the public and interested parties in safety issues allows individuals or societal groups to challenge the regulatory process which may provide a substantial improvement in safety and may enhance the decision basis including some safety criteria. The public and interested parties' knowledge is often of essential importance. This could include local residents' knowledge of the local

environment, as well as the provision of diverse social knowledge, values and meanings which could inform critical discussions about how issues are framed. At the same time, this is also an opportunity for the public and interested parties to express their concerns and for regulatory body to better understand and, therefore, better consider these concerns; and

- *Regulatory control stability*: public involvement strengthens the legitimacy of regulatory decisions and provides a broader responsibility for them, even though some interested parties may not always agree with a decision, which also increases the regulatory control stability over time. Furthermore, the public and interested parties involvement decreases the likelihood of narrow early framing which later shows up to be insufficient. Even though some interested parties may not always agree with a decision, if there is trust and respect they will accept the integrity of the decision making process.

The importance of openness and transparency in regulation has been highlighted during several Integrated Regulatory Review Service (IRRS) missions. Upon request of member States, several IRRS Teams reviewed this area and discussed the topic although no guidance existed on this topic. IRRS Teams recognized that interested party engagement is important for effective regulation and for encouraging continuous improvement of performance and building public confidence.

The Fukushima Dai-ichi Nuclear Power Station accident has reinforced the necessity for the regulatory body and other relevant authorities to be prepared to communicate effectively with the public during crisis situations and to be identified as a reliable and competent key organisation to protect people and the environment from harmful effects of ionizing radiation. When developing emergency arrangements, there is also a need for an open and transparent dialogue to ensure the effectiveness of the arrangements and to enhance the knowledge of people living near facilities and activities in order to better prepare for a crisis situation.

Hence it is essential for a regulatory body to develop and implement a strategy and a culture of transparency and openness and to involve interested parties when appropriate so that trust in the regulatory body's competence, integrity and impartiality can be increased. This strategy and this culture should be based on pro-active public information dissemination and a willingness for meaningful public participation. The strategy and culture should also incorporate approaches for preventing the disclosure of information that may be restricted because of, for instance, security issues, commercial confidentiality or intellectual property rights.

3. OBJECTIVE

The objective of this guide is to provide practical guidance, good practices and recommendations for regulatory bodies concerning communication and consultation with interested parties about the possible radiation risks associated with facilities and activities, and about processes and decisions of the regulatory body.

The safety guide will not address communication during crisis situation.

4. JUSTIFICATION

The IAEA Standard GSR part 1, Governmental, Legal and Regulatory Framework for Safety, requests under requirement 36, Communication and consultation with interested parties: “The regulatory *body shall promote the establishment of appropriate means of informing and consulting interested parties and the public about the possible radiation risks and other environmental information associated with facilities and activities, and about the processes and decisions of the regulatory body.*” The importance of communication with interested parties is also underlined in the IAEA Standard GSR 3, The Management System for Facilities and Activities, which is also applicable for Regulatory Bodies and requests in paragraph 5.26 “*Information relevant to safety, health, environmental, security, quality and economic goals shall be communicated to individuals in the organization and, where necessary, to other interested parties.*”

Moreover, basic aspects of communication and consultation with the public and other interested parties are set out in several Specific Safety Guides for instance in SSG 12, *Licensing Process for Nuclear Installations*, paragraphs 2.42 to 2.45, and in SSG-16, *Establishing the Safety Infrastructure for a Nuclear Power Programme*, paragraphs 2.84 to 2.96.

However the existing aforesaid guidance, scattered between several safety guides, is insufficient to provide Member States with clear and comprehensive guidelines to develop a strategy that is directly relevant to transparency, openness and interested parties involvement in regulatory activities.

5. PLACE IN THE OVERALL STRUCTURE OF THE RELEVANT SERIES AND INTERFACES WITH EXISTING AND/OR PLANNED PUBLICATIONS

This new guidance is expected to constitute a chapter in the new structure of the set of Safety Guides which will reduce their number as well as to enhance their comprehensiveness. It will be applicable for all facilities and activities. This document will provide recommendations and guidance on how to comply with the Safety Requirements, including requirement 36, *Communication and consultation with interested parties*, of the IAEA Standard GSR part 1, *Governmental, Legal and Regulatory Framework for Safety*.

The text of the following documents needs to be taken into account and checked for consistency during drafting:

- Conventions
 - . The convention on Early Notification of a Nuclear Accident – 1986;
 - . The convention on Assistance in the case of a Nuclear Accident or Radiological Emergency - 1987;
 - . The convention on the Physical Protection of Nuclear Material - 1987, scope extended in 2005;
 - . The convention on Nuclear Safety – 1984;
 - . The joint convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management – 2001;
- Safety Fundamentals
 - . Fundamental Safety Principles (SF-1);
- Safety requirements and guides
 - . General Safety Requirements Part 1, Governmental, Legal and Regulatory Framework for safety (GSR Part 1);
 - . General Safety Requirements 2, Preparedness and Response for a Nuclear or Radiological Emergency (GS-R 2);
 - . General Safety Requirements, The management System for Facilities and Activities (GSR-3);
 - . General Safety Requirements Part 3, Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards;
 - . General Safety Requirements Part 5, Predisposal Management of Radioactive Waste (GSR part 5)
 - . All valid and relevant Safety Requirements of the series NS-R-xx in addition TS-R-1, WS-R-5, SSR-5 and GSR Part 5;
 - . Specific Safety Guide, Licensing Process for Nuclear Installations, (SSG-12);
 - . General Safety Guide, Organization and Staffing of the Regulatory Body for Nuclear Facilities (GS-G-1.1);

- . General Safety Guide, Review and Assessment of Nuclear Facilities by the Regulatory Body (GS-G-1.2);
- . General Safety Guide, Regulatory Inspection of Nuclear Facilities and Enforcement by the Regulatory Body (GS-G-1.3);
- . General Safety Guide, Documentation for Use in Regulating Nuclear Facilities (GS-G-1.4);
- . General Safety Guide, Application of the Management System for Facilities and Activities (GS-G-3.1);
- . Specific Safety Guide, Establishing the Safety Infrastructure for a Nuclear Power Programme (SSG-16);
- . Derived Intervention Levels for Application in Controlling Radiation Doses to the Public in the Event of a Nuclear Accident or Radiological Emergency. Safety Series No 81. Vienna 1986;
- Other publications
 - . Handbook on Nuclear Law – Vienna, 2010;
 - . Stakeholder Involvement in Nuclear Issues (INSAG 20 Report);
 - . Method for Developing Arrangements for Response to a Nuclear or Radiological Emergency, (EPR – Method 2003). Updating IAEA-TECDOC-953. 1996 – Vienna, 2003;
 - . IAEA Nuclear Energy Series, Stakeholder Involvement throughout the Life Cycle of Nuclear Facilities (NG-T-1.4);
 - . IAEA Nuclear Energy Series, An Overview of Stakeholder Involvement in Decommissioning (NW-T-2.5);
 - . Safety Reports Series No 24, Communication Planning by the Nuclear Regulatory Body, 2002.

6. OVERVIEW

The document will establish guidance for regulatory body on communication and consultation with interested parties in a transparent and open manner during the conduct of regulatory activities. It will provide information on considerations for effective communication and interaction with these parties and also on how to manage information which may be not disclosed because of confidentiality (e.g. security, safeguards) or others reasons. It will be organized in 6 sections and, as necessary, annexes.

- Section 1 will be an introduction, which will present definitions, the background, objective, scope and structure.
- Section 2 will provide overarching recommendations which should be applied to meet the relevant safety requirements. For instance, the following issues will be addressed:
 - Responsibility of the regulatory body for communication and consultation;
 - Interaction with interested parties should not lead to compromise safety and call the regulator's independence in the question;
 - Graded approach;
 - Need for the regulatory body to be a trusted organizations; and
 - Restricted information.
- Section 3 will present the provisions that should be considered for inclusion in the legal and regulatory framework and will provide guidance which should be followed when establishing the legal and regulatory framework for communication and consultation with interested parties.
- Section 4 will describe the arrangements, including policy and procedures, that should be developed and implemented by the regulatory body for communication and consultation with

interested parties. This will include culture, leadership and management system for effective implementation. It also addresses the important elements which should be considered when developing and implementing communication and consultation processes such as objective, targeted parties, context, legal and regulatory requirements. At last, it will provide guidance on evaluation and improvement of the effectiveness of communication and consultation strategy.

- Section 5 will provide guidance:
 - about methods to effectively inform interested parties and will discuss the most effective communication channels to use; and
 - on how to consult effectively interested parties and, when appropriate, to implement collaborative process with relevant interested parties.

7. PRODUCTION SCHEDULE

Provisional schedule for preparation of the document, outlining realistic expected dates for:

STEP 1: Preparing a DPP	Done
STEP 2: Approval of DPP by the Coordination Committee	2011
STEP 3: Approval of DPP by the Safety Standards Committees or the relevant group where appropriate	3Q/2012
STEP 4: Approval of DPP by the CSS	4Q/2012
STEP 5: Preparing the draft	1Q/2013
STEP 6: Approval of draft by the Coordination Committee	2Q/2013
STEP 7: Approval by the Safety Standards Committees for submission to Member States for comments	4Q/2013
STEP 8: Soliciting comments by Member States	1Q/2014
STEP 9: Addressing comments by Member States	2Q/2014
STEP 10: Approval of the revised draft by the Coordination Committee Review in NS-SSCS	3Q/2014
STEP 11: Approval by the Safety Standards Committees for submission to the CSS or the relevant group where appropriate	4Q/2014
STEP 12: Endorsement by the CSS	2Q/2015
STEP 13: Establishment by the Publications Committee and/or Board of Governors (for SF and SR only)	4Q/2015
STEP 14: Target publication date	1Q/2016

8. RESOURCES

- Estimated IAEA Staff resources required: 30 staff-weeks
- Estimated Member States resources required: 12 staff-weeks