

Title: DS460 Communication and Consultation with Interested Parties by the Regulatory Body (Comments on version dated 2015-04)

These tables of resolution compile the 20 comments posted by Members of Safety Standards Committees and their resolution. They have been provided by:

GERMANY BMU - GRS	1 comment	UKRAINE SSTC NRS	1 comment
JAPAN NRA - NUSSC	2 comments	USA NRC	13 comments
RUSSIA NUSSC	2 comments	WNA/ CORDEL	1 comment

The comments are addressed below in the DS460 content order.

COMMENTS				RESOLUTION			
No	Para/Line	Proposed new text	Reason	Accepted	Accepted, but modified as follows	Rejected	Reason for modification/rejection
GENERAL							
1.		1. Germany BMU GRS	<p>Within the international community, consensus exists that public confidence and acceptance are essential preconditions for a successful implementation of all activities related to the management of spent fuel and radioactive waste.</p> <p>At the Fifth Review Meeting of the Joint Convention held in May 2015 in Vienna, the topical area <i>Maintaining and increasing public involvement and engagement on waste management, to provide public confidence and acceptance</i> has been identified as an overarching issue resulting from cumulative discussions in the Country Group sessions. The Contracting Parties of the Joint Convention highlighted this area during the plenary session and agreed that the National Reports for the Sixth Review Meeting should address this issue.</p> <p>Against this background, the new Safety Guide DS460 constitutes an important and useful source of recommendations and guidance for regulatory bodies. The German waste safety experts fully support the approval of this Safety Guide through the Safety Standards Committees. We believe that the recommendations and guidance provided in this document can contribute to develop and implement effective strategies and practices for communication and consultation with the public, aiming to increase transparency and openness in regulatory decision making as well as to enhance public confidence and trust in the regulatory body.</p>	X			

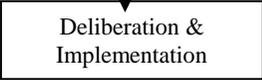
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GENERAL							
2.		1. USA NRC We recommend that DS460 address issues of establishing legal instruments to facilitate interested parties having access to regulatory agency records, except to the extent that such records are classified or protected from public disclosure for variety of reasons.	Completeness to address instruments to facilitate interested parties having access to necessary information to support decision making.			X	In October 2013, NUSCC requested to remove legislation-related guidance (Confer to the 36th NUSCC Meeting report – page 9 under Agenda item 2.4) covered by the Section 3.

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No	Para/Line	Proposed new text	Reason	Accepted	Accepted, but modified as follows	Rejected	Reason for modification/rejection
1. INTRODUCTION							
3.	1.2	2. USA NRC The final sentence should read: Establishing strong regular communication and consultation practices contributes to more effective communication <u>by the regulatory body</u> during a possible nuclear or radiological emergency by the regulatory body .	Clarity	X			
4.	4 / 1.16	3. USA NRC In order to have an effective public communication to an emergency, the need for coordination between different organizations involved in the preparedness and response of an emergency, including the regulatory body, should be acknowledged [3]. The need for coordination between different organizations involved in the preparedness and response to an emergency cannot be underestimated [3].	Previous sentence was overly complex.		The need for coordination between different organizations involved in the preparedness and response to an emergency, including the regulatory body , cannot be underestimated [3].		To highlight the regulatory body is one part of this national EPR organization, as requested by the coordination committee (See table of resolution posted on 15/04/2015).

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2. OVERARCHING RECOMMENDATIONS							
5.	5 / 2.5	4. USA NRC At the end of para. 2.5, add: The regulatory body should make regulatory documents readily available to the public.	For transparency, the public needs access to regulatory documents.			X	This is already covered by para 2.17: “... <i>by making information widely available.</i> ” Further details are also provided under, inter alia, para 4.30

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4. IMPLEMENTATION BY REGULATORY BODY							
6.	9/ para 4.9	1. RUSSIA NUSSC: (e.g., TSOs, communication experts, translators, web-site designers, facilitators, meeting moderators, or academic representatives).	TSOs are one of principal source of technical support for Regulatory Bodies.			X	TSO is definitively a main source of technical expertise. However, the list here does provide only examples of types of specific expertise possibly needed in the area of communication and does not aims at explicating which organizations should provide these kinds of competences.
7.	4.13/1	1. JAPAN NRA – NUSSC Interested parties can be national or from other countries.	“interested parties” is defined at ‘USE OF TERMS’ in this guide. This sentence is incomplete form to be written in ‘USE OF TERMS’. Therefore, it leads misreading.	X			
8.	10 / 4.14	5. USA NRC: The public relies on various sources of information to form its opinion. News media, especially television, and both printed and online press, have a large impact on great reach and influence in framing how people perceive issues. Social media also has significant influence play also an increasing role. Members of the public may also contact the regulatory body directly (by mail, email, phone, social media, public meetings, etc.) to obtain answers to specific questions.	Previous sentences were complex and could be clarified.	X			

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4. IMPLEMENTATION BY REGULATORY BODY							
9.	4.22	<p>1. WNA/ CORDEL New paragraphs. Could fit between 4.21 and 4.22</p> <p>Regulated industry - Suppliers 4.22.a The regulatory body should be open to communication and consultation with the regulated industry and its supply chain in order to mutually exchange on issues and trends in nuclear safety and in the nuclear industry. Independently of on-going licensing and regulating activities, regular or ad hoc meetings between the regulatory body and licensees, manufacturers and suppliers may be the opportunity to exchange on issues and trends as well as to inform the other party about on-going and future projects and programs (e.g. future modification to the regulatory framework, anticipated modification in the industry landscape, future construction projects, future research and development projects) and about works plans (including in foreign countries), etc. Such good practice implemented in several member states is expected to help the regulatory body anticipate upcoming application files and licensing processes, and plan for the necessary related resources (field of expertise, human and financial resources, internal and/or external) to allow him discharge its responsibilities. Such communication may be initiated both by the regulatory body and by the regulated industry.</p>	<p>In the ‘Use of terms’, ‘regulated industry’ and ‘suppliers’ are identified as interested parties. We reckon it may be of interest to elaborate on what kind of communication and consultation may be desirable between the regulatory body and these parties and how this may be achieved without compromising the independence of the regulatory body. It is important to state that these parties are also eligible to communication and consultation with the regulatory body, and not only in the frame of a licensing process. Communication is a twofold process. What is described is only one way when the regulatory body initiates communication with interested parties (transparency). Openness suggests that communication may also be initiated by interested parties. Our comment deals with the regulated industry and suppliers (but the comment is also valid for other parties). This may be better highlighted in the document. WNA reckons that this aspect is not sufficiently or adequately covered by the integration of comment 22 by Germany in § 4.22</p>		<p>4.22. The regulatory body should engage in dialogue with professional bodies (e.g., operating organizations and their supply chain, facility designers, radiation source users and medical societies) when necessary, including when drafting regulatory requirements [2, 5, 10]. The regulatory body should contribute to providing safety related information to professional bodies...</p>		<p>Indeed, regulatory body should foster mutual understanding and respect with authorized parties through frank and open relations, conducting a professional and constructive liaison. This proposal is referring to GSR Part 1 Req. 21 which will be addressed by the upcoming safety guide DS472: “<i>Organization, Management and Staffing of a Regulatory Body</i>” (see DPP) as recalled in review meetings. Communication dimension with authorized parties (Not only with NPP operators given that this draft guide is applicable for all activities and facilities) and other “professionals” is covered by para 4.22: “...<i>The regulatory body should engage in dialogue with professional bodies when necessary...</i>”. The new wording has been discussed, amended and accepted by the German representative during the expert meeting organized last February to review Member States’ Comments (See also 1. German comment, numbered 1, above). Nevertheless, it is proposed to amend the paragraph for clarification purpose and to emphasize further the importance of dialogue.</p>
10.	11 / 4.25	<p>6. USA NRC: Regulatory bodies should establish links with other national regulatory bodies and international organizations such as the IAEA. It is beneficial to communicate with regard to all relevant information with these organizations, to support regulatory activities, including operating experience and regulatory experience, with these organizations.</p>	<p>Previous sentence was overly complex and could be simplified / clarified.</p>	X			

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4. IMPLEMENTATION BY REGULATORY BODY							
11.	11 / 4.26	7. USA NRC: Replace “in their daily life” with “on a routine basis.”	Replacing informal language.		The regulatory body’s own staff regularly communicates with the public both formally and also informally, on a routine basis.		To delete a duplication.
12.	12 /4.29 Figure 3	8. USA NRC: We recommend Figure 3 includes a step on “Deliberation” or designate Step #3 as given below: 	Interested parties input during the deliberation process is a significant step in the communication and consultation process.			X	Figure 3 is intended to be applicable for any kind of communication and/or consultation with or without “deliberation” part. However the importance of their inputs during a decision making process is dealt with in many places in the document (1.7, 2.5, 3.1, 4.30, etc.).
13.	12 /4.29 Fig. 3	9. USA NRC: Consider how the effectiveness of this process should be measured.				X	This is already covered by the section Monitoring and Evaluation, 4.45 – 4.48.
14.	12 / 4.30	10. USA NRC: Add Para to include: - Self-assessment and peer reviews.	Transparency in self-assessment and peer reviews enhances public trust and confidence.		Para 30: The results of the evaluation of the organization and performances of the regulatory body through self-assessment and external assessments...		Peer reviews are already covered: “... <i>through external assessments such as IRRS.</i> ”
15.	13 / 4.36	11. USA NRC: A communication plan should include the overall objectives, key messages , appropriate timing...”		X			

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5. COMMUNICATION AND CONSULTATION METHODS							
16.	15 / 5.3	12. USA NRC: The regulatory body should provide information communicate on events which might affect safety. Specific tools should be used For promptly and consistently to communicate communicating to interested parties the safety significance of events; it is advisable to use specific tools. For instance, a Member State may decide to use the joint IAEA and OECD/NEA International Nuclear and Radiological Event Scale (INES5).	Previous sentence was confusing and overly complex.	X			

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5. COMMUNICATION AND CONSULTATION METHODS							
17.	19 / 5.29	13. USA NRC: When necessary, the regulatory body should meet early in the process with the concerned applicants or , authorized parties, or relevant governmental authorities and agencies to ensure an effective consultation early in the process for ensuring the proper organization and effective conduct of the consultation.	Previous sentence could be clarified.	X			This is already the wording used in the posted version.
18.	Para 5.38, page 21	1. UKRAINE SSTC NRS: To add an example of task groups, as follows: “5.38. A collaborative process may include task groups made of a limited number of representatives of interested parties. A task group may be beneficial to develop a potential draft solution prior to consideration by the wider collaborative process. (e.g. the regulatory body in order to maintain a constant dialogue with interested parties can organize and continuously support activities of the “Public Council”. Members of this council can be active representatives of the interested parties).	To show hands-on example of the collaborative process based on national practice			X	This example does not fit to this section on collaboration. In addition, in para 5.35 examples are provided: “... <i>such as the development of regulations, policies and guidance...</i> ”

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REFERENCES AND OTHERS							
19.	USE OF TERMS/	2. JAPAN NRA – NUSSC Interested Parties/6 ...organizations; news media; and neighbouring <u>States that have entered into agreements providing for an exchange of information concerning possible transboundary impacts eountries.</u>	Consistency with IAEA Safety Glossary and the Handbook on Nuclear Law.			X	This is too detailed. The intention is just to ensure a common understanding as regards the main terms used in the document.
20.	31/line 6	2. RUSSIA NUSSC: Federal Service for Environmental, Industrial and Nuclear Supervision	There is no such authority “State Committee on Nuclear Power Industry Supervision, Russian Federation” in Russia.	X			