

## Document Preparation Profile (DPP) Version 6 dated 12 October 2011

### 1. IDENTIFICATION

**Document Category** Safety Guides

**Working ID:** DS460

**Proposed Title:** Communication and Consultation with Interested Parties

**Proposed Action:** New document to create complete and coherent guidance to communicate and involve the public and 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):** Jean-René JUBIN (NSNI), 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 activities. They have usually little knowledge but 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 or communicated by the media, request to have access to reliable, comprehensive and easily understood information about safety and regulatory issues to form their opinion. They also request to have fair and reasonable possibilities 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 safety issues are best handled with the participation of all concerned citizens, at the relevant level. There are several rationales to be transparent, open and to involve the public and interested parties in regulatory activities:

- *Independence*: being under scrutiny makes any undue influences, that might adversely affect safety, more visible and therefore enhances the ability of regulatory body to make independent regulatory judgements and decisions;
- *Credibility and legitimacy*: reinforce the public and 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 how it discharges its duties. Whereas the promoter is concerned by public acceptance of nuclear energy as such, the regulatory body only promotes safety through regulatory activities;
- *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
- *stability*: public involvement strengthens the legitimacy of regulatory decisions and provides a broader responsibility for them, 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 stakeholders 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 stakeholder engagement is important for effective regulation and for encouraging continuous improvement of performance and building public confidence.

The Fukushima accident has reinforced the necessity of the regulatory body and other relevant authorities to be prepared to communicate effectively with the concerned 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 to dialogue in a transparent and open manner to ensure their relevance and to enhance the knowledge of the people residing in the vicinity of facilities and activities in order to better face a crisis situation.

Hence it is essential for regulatory bodies to be able to develop and implement a strategy and a culture of transparency and openness and to involve when necessary stakeholders so that trust in its competence, integrity and impartiality can be established. This strategy and this culture should be based on pro-active public information and willingness to a real public participation. They should also take account of some information disclosure which may be restricted because of, for instance, security issues, commercial confidentiality or intellectual property rights.

The existing scattered information in several safety guides does not provide the regulatory bodies with clear and comprehensive guidance to develop and implement a relevant strategy to be transparent, opened and to involve the Public and Interested Parties in the Regulatory Activities. This issue has been raised by several Member States, including during IRRS missions.

### **3. OBJECTIVE**

The objective of this guide is to provide practical guidance, good practices and recommendations for radiation and nuclear safety regulatory bodies for open and transparent processes of communication and consultation of interested parties in regulatory activities. These activities include: drafting regulation and legislation, inspection and enforcement, licensing, review and assessment and other specific activities performed by or under the responsibility of the regulatory body (e.g., communication on events or activities in other countries, assistance and support).

### **4. JUSTIFICATION**

The IAEA Standard GSR part 1, Governmental, Legal and Regulatory Framework for Safety, requests under the requirement 36, Communication and consultation with interested parties: *“The regulatory body should 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 the public and 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 to communicate and consult with the public and interested parties are set out in several safety guides for instance in the Specific Safety Guide, *Licensing Process for Nuclear Installations* (SSG-12), paragraphs 2.42 to 2.45.

However the existing aforesaid guidance, scattered between several safety standards and guides, is insufficient to provide Member States with clear and comprehensive guidelines to develop a strategy and to implement the relevant provisions to ensure 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<sup>1</sup> which will optimize their number as well as to review 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 the 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 Nuclear Accident or Radiological Emergency - 1987;
  - . The convention of 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);
  - . International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources, Safety Series No 115 - IAEA, Vienna;
  - . All Safety Requirements of the series NS-R-xx, WS-R-xx, TS-R-xx and WS-G-xx;
  - . 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);

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<sup>1</sup> By 2016 if the comprehensive guide on regulatory control is not available, the document might be published as a TECDOC or safety report.

- . 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);
- . 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;
- . Method for Developing Arrangements to a Nuclear or Radiological Emergency, (EPR – Method 2003). Updating IAEA-TECDOC-953. 1996 – Vienna, 2003;
- Other publications
  - . Stakeholder Involvement in Nuclear Issues (INSAG 20 Report);
  - . IAEA Nuclear Energy Series, Stakeholder Involvement throughout the Life Cycle of Nuclear Facilities (NGT1.4).

## 6. OVERVIEW

The document will establish guidance on communication and consultation with Interested Parties in a transparent and open manner in the Regulatory Activities. It will provide information on the topics that should be considered to communicate and interact effectively with them and also how to manage information which may be not disclosed because of confidentiality, security or others reasons. It will be organized in 6 sections and, as necessary, annexes.

- Section 1 will be an introduction, which will present the background, objective, scope and structure.
- Section 2 will provide basic recommendations which should be applied to meet the relevant safety requirements.
- Section 3 will present the provisions which should be considered being part of the legal and regulatory framework for transparency, openness and involvement of interested parties in regulatory activities.
- Section 4 will describe the provisions which 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.
- Section 5 will provide guidance to inform effectively the public and interested parties and about major communication channels which should be used.
- Section 6 will provide guidance to consult effectively the public and interested parties and, when necessary, to implement collaborative process with relevant stakeholders.

## 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