



# NRC NEWS

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No. S-07-032

## **Openness and Transparency: The Road to Public Confidence**

**Prepared Remarks for**

**The Honorable Gregory B. Jaczko  
Commissioner  
U.S. Nuclear Regulatory Commission**

**at the**

**Organization for Economic Co-operation and Development's  
Nuclear Energy Agency  
Workshop on the Transparency of Nuclear Regulatory Activities**

**Tokyo, Japan  
May 22, 2007**

Thank you, Dr. Storey and I appreciate the opportunity to chair the first session of this very important workshop. We will have some very interesting discussions from the three people who will be talking today and we are very honored to have a facilitator with the background that Professor Masaharu Kitamura has.

I would like to say just a few remarks about my thoughts on the topic of transparency before I turn it over to each of the speakers.

About three months after I became a Commissioner, I was invited to give a talk at the Regulatory Information Conference, which is the big annual conference the U.S. Nuclear Regulatory Commission hosts. Many of you, I know, have participated in that conference, and we certainly appreciate that. One of the issues I thought a lot about at that time was the importance of public confidence and public confidence in the work that we do.

Being new to the Commission I talked to some of my fellow Commissioners to get their insights on public confidence. One of the things that they told me was that it is very difficult for the Nuclear Regulatory Commission or any regulatory agency to control public confidence. Public confidence is not something that we license. It is not something that we regulate, so it is very difficult sometimes for a regulatory body to demand public confidence. So I thought about that and listening to some of the things

that were said earlier this morning by many of the speakers, it was clear that the thought process that has developed for these workshops was very similar to the thought process that I went through. That is, to break down the idea of public confidence and identify the components that allow a regulatory body to have an influence. While we may not ultimately be able to control and dictate public confidence, in the end, regulatory bodies can do things to improve and instill public confidence in their decisions.

There are several key components to public confidence. One of them is openness, and another is transparency. When I gave that talk two years ago, I tried to focus on distinguishing those two things because they are very different.

Openness from the perspective of the United States and from a regulatory body involves the idea of access to information. We have a large number of statutory responsibilities that dictate how we provide information to the public about the actions and the activities that we undergo. I believe openness is an easy thing for a regulatory body to control. We can measure it. We can determine how well we're doing it--providing information to the public. But providing information is just the first part.

It is the second part which goes a long way toward public confidence, and I look forward to hearing from the other speakers about their ideas about what transparency means. For me transparency means clearly explaining the decision-making process and how we use the information that we have. Both of those things are crucial for the public to understand the conclusions in the decisions that we make. Not only does the public need to have access to the same information that we have, but they have to have access to understand the decision-making process we use as a regulatory body. And that is really where transparency comes in.

So that is a little bit of my thoughts of what transparency is and I just want to touch on a few examples of why I believe it is such an important issue. With many of the things that we do in the regulation of nuclear power, these issues are never new. Some of them are issues that go back very far and that others at the NRC have touched on in different ways. I have to credit some of this going back to Chairman Ivan Selin, who in the early 1990s, stated that the NRC should increase its "efforts to reach out to the public at large to recognize how important public credibility is to the achievement of its regulatory goals." That was something that was said in the early '90s and it's something that we continue to work on now as an agency and as a regulatory body.

Transparency and openness really go hand in hand towards the NRC achieving public credibility and public acceptance of decisions that we make. There are several recent examples of where we lack some of that public trust and public confidence and it has, in fact, created more work and more effort on the part of the agency.

One issue, which I believe will be addressed a little bit later by one of the other speakers, has to do with releases of tritium-contaminated water at several facilities in the United States. None of the releases was a threat to public health and safety. Some of the releases at some facilities are no unusual and are ongoing. Yet, there was tremendous public outcry in many communities about these releases. Communities that previously had been very supportive of the nuclear facilities were now raising serious questions about the performance of those facilities.

The interesting aspect that really touches on the issues of public credibility and ultimately then transparency was the public's reaction to the NRC's response. When the NRC made very strong statements that these were not threats to public health and safety, the public did not immediately accept those explanations. Therein laid the challenge.

We now, as an agency, not only had to do a tremendous effort to get the public to be comfortable with our decisions, we then had to educate the public about the implications of tritium contamination. This is where it is so important for the agency to make sure that we continue to maintain credibility. This issue was resolved really by the industry initiating a program to monitor groundwater contamination or groundwater releases in a much more rigorous manner. That ultimately was the answer about openness and transparency.

So nothing really changed from our perspective in terms of how we regulated these releases. We did not change any regulatory safety thresholds for releases of tritium. We didn't make any changes that had an impact on public health and safety. But the kinds of changes we made had to do with the issues of credibility, with openness and transparency. The agency itself made some changes. We underwent some examinations of this issue and we, in fact, reinstated a practice of publishing information about releases of this kind so that people would be made more aware of them. They may happen on a somewhat regular basis, but that does not pose, in our view, a public health and safety risk. Crucial again to that was the issue of transparency. The public needed to understand the process of how we reviewed and monitored releases from nuclear power plants. And that's where the transparency aspect came in.

So that was a very specific example of something that happened since I have been a Commissioner that really tested the issues of trust and faith. In the current era, openness and transparency are extremely important. We live in an age now where information access is very easy, with the Internet. People can learn a lot about nuclear power plants. They can learn a lot about the facilities that we regulate. And sometimes that information is accurate. Sometimes it's not accurate. It's certainly important from an openness standpoint that the agency is providing so much information because we have been entrusted by our government and ultimately by the American people to be shepherds of that information.

The other important issue that was touched upon earlier was the issue of security, which in the United States has been a very important issue. And it is there that transparency and openness have been extremely important, because in security space or for security issues, we cannot be as open with information. We cannot provide details of security plans for facilities. We cannot provide details of threat information, except to specifically cleared individuals. But what we can do is be transparent about how we're using that information in the decision-making process. That is again where the distinction between openness and transparency becomes so important and where we begin to have to rely on trust.

The public has to trust the information that we have as accurate and reliable and they have to then have confidence in our decision and in our analysis of that information. That is where transparency is so important.

To conclude, one thing that is important to keep in mind, and is perhaps a workshop in and of itself, is the term that we use in this kind of a context which is the "public." I have given many speeches and I always like to talk about the public. I've heard many people just in this morning's session talk about the public, and I suspect that we'll hear from the speakers in this particular session about the public.

The public, of course, is a very, very broad group. In fact, to some extent it's everyone. It includes the people who work at our agency. It includes me and it includes my mother, my father, my sister, as well as other members of my family. It includes the licensees. It includes a very important stakeholder for us, the Members of Congress. Each of these different members of the public has different expectations about openness, about transparency. One of the biggest challenges is making sure that we work to find out who the most important and most influential members of the public are going to be on any issue. Sometimes those members of the public don't present themselves and we have to find them. And that is one of the challenges that we face as regulatory bodies in moving forward.

It would be helpful as we go forward to keep in the back of our minds who we're talking about with the public, who are the customers for this information, and who are the customers for the transparency that we seek. In some cases that will be different in different countries. In some cases it will be different for different issues, but it is certainly an important issue that is crucial to really getting the issue of transparency correct.

Thank you for letting me share these comments with you. I would now like to turn the session over to our first distinguished speaker, Dr. John Loy, Chairman and Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency.