

 **RIC 2016**

How the Principles of Good Regulation Came into Being

Former NRC Commissioner,
Kenneth C. Rogers

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Did NRC have a philosophy of regulation in 1990?

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My Staff

 Dr. Gail H. Marcus	 Jack Scarborough
 Susan Bilhorn	 Myron Karman (not pictured)

EXCERPT FROM THE SUMMARY OF THE FY 1993-1995 FIVE YEAR PLAN
NOVEMBER 1990

MISSION

The U.S. Congress has determined that the safe use of nuclear materials for peaceful purposes is a legitimate and important national goal. It has directed the NRC with the primary Federal responsibility for achieving that goal. NRC's mission, therefore, is to ensure adequate protection for the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States.

NRC's scope of responsibility includes regulation of commercial nuclear power plants, research, test, and training reactors, fuel cycle facilities, nuclear, atomic, and industrial uses of nuclear materials, and the transport, storage, and disposal of nuclear materials and wastes. NRC carries out its mission by setting standards and rules, promulgating orders, issuing licenses, and operating safe facilities, in the form of rules, license conditions, and regulatory guidance. Inspection and taking enforcement action are necessary to ensure that such compliance. An important and continuing mission is to assist, control, or be subject to regulatory methods. The documents issued in the use of nuclear materials are relatively new and complex. Regulatory decisions often require cooperation to ensure technical understanding. Cooperation should be modified appropriately as increased understanding of physical phenomena and construction is achieved. Further, essential facilities must be maintained through appropriate construction of high capacity and system reliability, redundancy, and diversity to provide multiple barriers to the release of radiation (see in appa).

REGULATORY PRINCIPLES

The NRC and its licensees share a common responsibility to protect the public health and safety. Federal regulations and the NRC regulatory program are important elements in the protection of the public. However, the Commission recognizes that safe use of nuclear materials is a shared responsibility of NRC licensees. Strong, vigilant management and a desire to improve performance are prerequisites for success for both regulators and the regulated industry.

The NRC adheres to the following Principles of Good Regulation to encourage consistently high performance and address inadequate performance:

Good regulation identifies the conditions necessary to ensure safety and soundness of operations which result in compliance with established standards. It is a strong and encouraging incentive to seek the best performing practices and to exercise initiative in meeting and exceeding standards as well as correct problems. Good regulation encourages sound and effective practices, encourages sound practices, and identifies questionable practices. It sets, therefore, explicit standards by which to judge practices, and the means to encourage the sound and discourage the unsound. To accomplish this, regulation must be:

INDEPENDENT. Nothing but the highest possible standards of technical performance and professional soundness influence regulation. However, independence does not imply isolation. All available facts and opinions must be sought, open to the common and other interested elements of the public. The many and possibly conflicting public interests involved must be considered. Each decision must be based on objective, unbiased assessment of all information, and must be documented with reasons readily checkable.

OPEN. Nuclear regulation is the public's business, and it must be exercised openly and honestly. The public must be informed about and have the opportunity to participate in the regulatory process as required by law. Open channels of communication must be maintained with Congress, other government agencies, licensees, and the public, as well as with the international nuclear community.

EFFICIENT. The American taxpayer, the rate-paying consumer, and licensees are all entitled to the best possible management and administration of regulatory activities. The highest technical and managerial competence is required, and must be a constant concern. NRC must establish means to evaluate and continually improve its regulatory capabilities. Regulatory activities should be consistent with the degree of risk resulting from activities, and there should be effective controls to ensure that the degree which minimize the use of resources should be adopted. Regulatory decisions should be made without undue delay.

CLEAR. Regulations should be coherent, logical, and practical. There must be a clear lines between regulations and other goals and objectives whether explicitly or implicitly stated. Agency activities should be readily understood and easily applied.

FEASIBLE. Regulations should be based on the best available knowledge from research and operational experience. Systems interactions, technological uncertainties, and the diversity of licensees and regulatory activities must all be taken into account so that risks are maintained at an acceptable level. Over-ambitious regulation should be perceived as the reliable and not unjustifiably in a state of transition. Regulatory actions should always be fully consistent with written regulations and should be promptly, fairly, and decisively administered so as to avoid instability in the nuclear operational and planning processes.

The effective regulation of users of nuclear materials requires constant vigilance and faithful adherence to these basic principles.

