

## **The Nuclear Regulatory Commission Office of Public Engagement and Participation (NRC OPEP) Act**

Public engagement as a robust and institutionalized practice has proven critical to advancing consent-based decision-making and regulatory actions. Agencies like the Federal Energy Regulatory Commission (FERC) and the Department of Transportation have successfully facilitated beneficial engagement by establishing offices dedicated to public participation.

The Nuclear Regulatory Commission (NRC) is responsible for protecting public health and safety through the regulation and oversight of our nation's civilian nuclear infrastructure. The significance of the NRC's regulatory mission has been made apparent through incidents like the Three Mile Island Accident of 1979. In spite of the public health and safety risks related to unsafe or under-regulated nuclear activity, the NRC's does not have a designated office for public participation to support better trust and engagement in its decision-making process.

The NRC has acknowledged the drawbacks of its current approach. On March 29, 2022, NRC staff submitted an environmental justice recommendations docket to the Commission for approval, which included many recommendations--especially those related to improving community outreach and engagement—that would be successfully executed through a central office dedicated to conducting proactive public outreach.

The *Nuclear Regulatory Commission Office of Public Engagement and Participation (NRC OPEP) Act* would direct the NRC to establish an Office of Public Engagement and Participation (OPEP) and to promulgate a rulemaking that stands up a process for intervenor compensation through OPEP and the NRC's Atomic Safety and Licensing Board Panel. Specifically, the bill would:

- Direct the NRC to establish an Office of Public Engagement and Participation within 180 days, led by a Director appointed by the NRC Chair that has the authority to fulfill their duties without undue influence. Designate clear goals and responsibilities for the new Office, including:
  - Supporting and facilitating public participation in Commission meetings and proceedings
  - Providing educational and technical guidance to the public to facilitate participation in Commission meetings and proceedings
  - Providing accessible, plain-language, and publicly accessible resources and determinations
  - Increasing opportunities for virtual participation in Commission meetings and proceedings
  - Facilitating implementation of recommendations made in the 2022 environmental justice review
  - Coordinating assistance to members of the public acting as intervenors in Commission proceedings with respect to:
    - Petitions to act as a formal party to a Commission proceeding

- Requests to receive financial compensation for participation in a Commission proceeding
- Provide compensation to individuals representing the public interest in Commission proceedings by:
  - Developing strong guidelines to prevent misuse of intervenor compensation, including:
    - Intervenors must be certified to participate in a Commission proceeding to be eligible for compensation
    - Intervenors must demonstrate significant financial hardship to be eligible for compensation
    - Intervenors must be acting in the interest of public health and safety to be eligible for compensation
  - Providing an opportunity for up-front compensation to ensure that intervention is accessible to all
  - Establishing an Intervenor Trust Fund