

Addressing communications between Regulatory Body and TSO: *perceptions and problems*

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Abstract: The use of TSO assistance by the Regulatory Bodies is a way of facing the complexity of the technology and issues to be dealt with in the licensing and controlling process in the nuclear area. Although both TSO and Regulatory Body are well prepared and adjusted, the nature and environment of TSO work is rather different from the regulators'. Some of the TSO members act as a consultant, giving expert advice to the regulators in a specific subject, some are in charge of inspections and audits, others do the job together with the regulators. The way that a TSO member perceives the work to be done, however, often creates different perspectives for questions related to the licensing and controlling process. These perceptions are usually a source of problems between the two partners, regulators and TSO members. In this paper some of this kind of problems are raised and suggestions of how to deal with them are proposed to discussion.

1. Introduction

Regulatory bodies have to work within a strict conduct demarked by the law and by the standards in force. Often this is done by following the letter of the requirements more than a possible interpretation. This avoids that a personal point of view changes the results depending on who is in charge of the situation. Usually, regulators are less interested in finding a solution for the operator problem than in the consequences of the operator malfunctioning installation or practice. By the nature of their work, regulators are more linked to the means used by the operators to do their activities and less concerned to the results obtained by this work. This is expected, as they have to attain themselves to the routine, and regulation is made in order to avoid the necessity of examining and judging each case individually.

TSOs are usually institutions that work in the area of research and development. They are seeking to widen their knowledge and are also rewarded by the success they obtain in doing that. To them, problems are to be solved, not only diagnosed. Each situation is a prospective opportunity for challenge and research. By the nature of their work, they look for solutions and for the acceptance of their proposals.

These two different approaches are usually a significant source of problems in the relationship between the two sides. Regulators often complain that TSO members are not objective, that they use the data to publish papers, that they try to interfere in the way operators do their job, interfering in the first responsibility assigned to the operators related to the correct functioning of the activities and risk involved. By the other hand, TSO members complain that regulators are not willing to cope with the problem, that they just want to find a way to punish the operator or demonstrate their authority-based power. In most cases, these allegations are not true but people act as if they were. If the wrong perceptions that generate the conflict are not dealt with promptly, the misunderstandings tend to get worse.

2. Causes of conflicts: perceptions and communications

There are several possible situations that can cause misunderstandings and wrong perceptions between the role and work done by TSOs. Some of these causes are not unusual and suggestions can be given in order to cope with and to try to decrease the stress they cause to the relationship.

(a) *The TSO member acts as if he were an operator's consultant in the analysis.*

- Perception: the TSO member is perceived by the regulator as acting as an operator's consultant, trying to find a solution for the operator's problem and not clarifying what is the non-conformity point that he was called to analyze. This situation is particularly bad when it occurs during an inspection or audit in which the TSO member is part of the same team as the regulator.
- Reason: this kind of misunderstanding arises when the TSO members' job is not well expressed by the regulators. They are not completely aware of the boundaries of the result that is expected from their analysis, which are usually defined by the standards and regulations related to the analysis to be done. Their behavior in trying to solve problems can lead them to try to find a solution while it is expected that they point out the exact problem.
- Suggestion: a clear definition about how the job must be done, defining the role of the TSO member in the process.

(b) *TSO members try to invent new rules to apply to the analysis of a situation posed by the operator.*

- Perception: TSO members are perceived by the regulator as introducing new concepts out of the scope of the regulation.
- Reason: TSO members act in a more dynamic environment, usually in touch with the frontiers of knowledge, and are aware of new approaches to several problems. However, they often forget that regulation needs formal approval and acceptance given by an official body to be in force.
- Suggestion: the analysis and judgement have to be done based on the regulation in force. All the comments and findings must be referred to the specific point of the related standards. New approaches, even when accepted by the scientific community, must be formalized and become official by following the existing procedures for that.

(c) *TSO reports are sometimes of low value for decision makers because of the way they are written.*

- Perception: some assessment and inspections reports are written in a way that is very difficult for the regulator to make a decision based on it, because of a lack of order in the presentation of ideas, or lack of objectivity, or writing deficiencies.
- Reason: sometimes TSO members are not well prepared to write reports in the sense of the decision making process. Some of them are not well used to preparing the reports in a fluent language or in a way that a non-specialized person can interpret.
- Suggestion: standard models for reports can be prepared. Communication training or the use of an interface person inside of the TSO can help decreasing this problem.

(d) *The TSO work conflicts between research and regulatory analysis.*

- Perception: TSO member looking for data to produce a scientific paper, instead of focusing in the regulatory problem.
- Reason: in some cases, mainly during inspections and audits, some situations instigate the researcher inside the TSO member and he/she begins to query more than they need. This procedure can cause the lack of the main focus, decreasing the value of the inspection or audit.
- Suggestion: procedures to the inspection/audit must be established and practiced. The use of data obtained in regulatory inspections for scientific work or papers must be submitted to strict rules and approved by the regulator. The presentation of this paper, if approved, must be in such a way that the operator is not identified.

Other situations can be listed, but most of the cases of poor communication can be well addressed if a quality management system is established in the Regulatory Body and in the TSO. The role and responsibilities of the Regulatory Body and TSO must be well defined and understood by all the involved actors, including operators.

Every complex activity or work to be done out of the routine must be planned and formalized as a project plan, with objectives, goals, costs, responsibilities, indicators, etc. This can avoid misunderstandings about dates, costs and so on.

The TSO members must be prepared to give assistance to the Regulatory Body. A training program reinforcing the significance of their work to the whole process could improve the quality of the work.

3. Conclusion

TSOs can do a good job helping Regulatory Bodies, but the success of this operation is not obvious and it is not easily obtained. The existing conflicts and misperceptions must be dealt with in order to assure better communication and cooperation between TSO and the Regulatory Body.