

5 August 2011

## Steps to Review an Organization in charge of Nuclear Safety Regulation

With regard to a review on an organization in charge of nuclear safety regulation, the government should firstly conduct an immediate review, mainly on the separation of the Nuclear and Industry Safety Agency (NISA) from the Ministry of Economy, Trade and Industry (METI). It should then study further necessary review, taking into consideration the outcome of the Investigation Committee on the Accident at the Fukushima Nuclear Power Stations and future review on nuclear and energy policy.

### Step 1: Immediate Review on Nuclear Regulation Organization

The government should quickly conduct an immediate review on an organization in charge of nuclear safety regulation, mainly on the creation of a new nuclear safety regulation organization by separating the NISA from the METI as well as unifying the Nuclear Safety Commission (NSC), aiming to regain public confidence to nuclear safety administration and strengthen its functions.

It is aimed that the new safety regulation organization should be created in April 2012, and the government will quickly conduct a review in this regard.

When the outcome from the Investigation Committee on the Accident at the Fukushima Nuclear Power Stations is presented, the government should respond to it in a flexible manner.

### [Major Points of the Review]

- Separation of the NISA from the METI
- Unification of the NSC to a new organization
- Unification of safety regulations on nuclear reactors and others relevant issues
- Strengthening of emergency response, nuclear security
- Strengthening of a commanding function in the area of environmental monitoring

Step 2: Further Review on an Nuclear Safety Regulatory Organization, taking into consideration the Future Review on Nuclear and Energy Policy and the Investigation on the Accident

It is expected that the result of a review on mid/long-term nuclear and energy policy as well as investigation by the Investigation Committee on the Accident at the Fukushima Nuclear Power Stations will be presented in due course. The government should forward a wider study on areas including a review on important challenges such as mid/long-term work toward the restoration from the accident, as well as securing and training human resources in the area of safety regulation. The government should then present the result of its review by around the end of 2012 on areas covered by the new organization and on the way to upgrade a more effective and robust organization.

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## Review on an Organization in charge of Nuclear Safety Regulation (Tentative Plan)

### 1 Principles

- By **separating nuclear regulation and promotion functions**, the government should create a new nuclear regulatory organization which is trusted domestically and internationally.
- By **unifying relevant functions** related to nuclear safety regulations, the government should further strengthen the functions of the new regulatory organization.
- **Crisis management** is one of the most important roles of the new organization, and necessary arrangements should be made for that purpose.
- Recognizing that **human resources** are the backbone of the organization, the new organization should make every effort to reform organizational culture and train and secure talented experts.
- By introducing new regulatory mechanism, the government should further strengthen **new nuclear safety regulations**.

### 2 New Organization

#### (1) Overview

##### [Option 1 In the Cabinet Office]

- Separating the NISA from the METI, **“the Nuclear Safety Agency (tentative)”** should be created as an Affiliated Organization (Gaikyoku) of **the Cabinet Office**.
- The Head of the new Agency should be a Minister of State.
- Involvement of the Diet should be assured from the perspective of democratic control.

[Option 2 In the Ministry of Environment]

- Separating the NISA from the METI, **“the Nuclear Safety Agency”** should be created as an Affiliated Organization (Gaikyoku) of **the Ministry of Environment**.
  - Involvement of the Diet should be assured from the perspective of democratic control.
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- **The position and role of the Nuclear Safety Commission (NSC) should be reviewed** in view that the relevance of its double-check function (ex. necessary hearing for approval on new nuclear power plants) will be diminished as a result of separation of nuclear regulation and promotion functions within the government. Specifically, **“the Nuclear Safety Panel (tentative)” should be created within the framework of the new organization** as an “Article 8 (of the National Administrative Organization Law)” Committee, which is necessary to provide advice and opinion based upon technical expertise from the third party’s point of view.

## (2) Mission and Responsible Areas

In order to ensure nuclear safety, the new organization should cover areas mentioned below.

- a) The new organization should take over **nuclear safety regulations (including policy planning functions)** from the NISA.
- b) **The functions of the NSC** should be unified to the new organization.
- c) **Emergency response (Crisis Management)** should be regarded as an important role of the new organization.
  - Arrangements should be made from the peacetime to clarify the command/control line and to conduct exercises for emergency response (including **the creation of “Emergency Officer”**).
  - **Regional branches** should be enhanced in order to secure close coordination with operators during accident.
  - Demarcation between the commanding function of the new organization and other relevant government bodies should be clarified in order to steadily implement necessary measures in the case of nuclear disaster. **(Minister of the new organization should take a lead within the**

**Nuclear Disaster Response Headquarters as its Deputy Head**, delegated responsibility from the Prime Minister (Head of the Headquarters).)

d) The new organization should basically take over **nuclear safety functions in other ministries** if it is expected that its functions will be further enhanced when they are unified to the new organization. Arrangements are as below.  
[Other Nuclear Safety Regulations]

- Regulations on **research reactors and reactors for ships** should be unified to the new organization.
- Regulations on the **use of nuclear fuel and other materials** should be unified to the new organization.

[Nuclear Security]

- The new organization should be in charge of supervision over operators and cooperation with security agencies for **nuclear security** measures including countering nuclear terrorism. (Similar functions in those bodies such as the Atomic Energy Commission (AEC) should be transferred to the new organization.)

e) The new organization should basically work on **new challenges in view of the response to the accident** this time if it is expected that its functions should be further enhanced when they are unified to the new organization. Arrangements are as below.

- The new organization should be in charge of the commanding function for planning and coordination in the area of **environmental monitoring** (including the use of SPEEDI) in order to maintain and strengthen the entire national monitoring functions not only during the emergency but also during the peacetime.
- The new organization should be involved in the **treatment of radioactive waste and contaminated soil, as well as decontamination work** with regard to mid/long-term rehabilitation work. Health care of the local residents and other issues should be considered separately as a work of the entire government.
- The new organization should be in charge of the **investigation** of the future accident. It should consider the possible creation of a third-party committee if a particularly serious accident happens.
- The new organization should take part in support for residents affected by the nuclear accident in the area where expert knowledge regarding radiation is useful.

### (3) Regional Arrangements

- It is necessary to **strengthen regional branches** of the new organization as it is more important to maintain the safety of reactors in each region and contact and coordinate with local authorities.

### (4) Unification of Supporting Organization

- Supporting organizations such as the Japan Nuclear Energy Safety Organization (JNES) play an important role in the actual regulatory works. Upon the creation of the new organization, it is important to make unified operating arrangements with these supporting organizations. They are also expected to support in the area of human resources management.
- Specifically, **the JNES should be placed under the new organization.**

## 3 Human Resources

- It is important not only to create a new organization but also to **secure and train capable experts** if the government is to upgrade the quality of nuclear regulations and steadily implement them. Nevertheless, in view of the technical specialty in the area of nuclear safety, human resources are limited. It is therefore necessary to explore new idea and actions for human resources management in order to manage the new organization steadily and sustainably.
- It is also essential to **transform organizational culture** in the new organization. In this regard, it is important to establish appropriate independent human resources management. It is also necessary to carry out effective measures such as the introduction of “no-return-rule” and independent recruitment for the strict implementation of the separation between regulation and promotion.
- In parallel with institutional review and further work on the detailed designing of the new organization, measures to secure and train experts should be elaborated from the perspectives below.
  - Independent recruitment of young experts through creating attractive career-path
  - Recruiting experts with various backgrounds including those who are active in the international works.

- Strengthening competitiveness of the experts, taking into consideration response to new challenges of the organization.
- Establishing a mechanism to train and secure experts for emergency responses.
- Securing capable staff at the time of the creation of the new organization.
- Establishing relations with supporting organizations in view of securing experts with various backgrounds.
- The creation of the **“International Nuclear Safety Training Academy (tentative)”** should be considered for strengthening the capability of the staff, exploring international cooperation using lessons from the Fukushima accident, and exploring international sharing of new safety regulation infrastructure.

#### 4 Preparation for the Transition to the New Organization

- It is essential for the government to quickly create a new organization in view of securing public confidence on nuclear safety.
- In order to move to the new nuclear safety regulation, it is inadequate to simply create a new organization. It is required to review the existing regulations and relevant mechanism in parallel, based upon lessons from the accident.
- From this perspective, the government should **quickly set up a preparation office** for the work to submit relevant bills, aiming to **create a new organization in around April 2012.**

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