

Public comment submitted by the FEPC to the Nuclear Regulation Authority on May 10, 2013

Our opinion on the “Draft rules on the establishment of relevant rules concerning the partial implementation of the Act for Establishment of the Nuclear Regulation Authority”

May 10, 2013

Federation of Electric Power Companies

Key point:

It is important to efficiently review whether the nuclear power plants comply with the regulatory requirements in order not to leave the plants unchecked for a long time.

Opinion/reason:

Regarding the entire “Draft rules on the establishment of relevant rules concerning the partial implementation of the Act for Establishment of the Nuclear Regulation Authority”:

(1) Retrofitting procedure

- Currently, one proposed procedure for reviewing whether the non-operating nuclear plants comply with the new regulatory requirements is to use the reactor installation/change license applications submitted by power companies. This could also apply to the retrofitting procedure in the future.
- It is important for the Nuclear Regulation Authority to efficiently review whether the nuclear power plants comply with the regulatory requirements and decide whether to permit the plants to continue or restart operation, in order not to leave the plants unchecked for a long time.
- This can be achieved by making maximum use of the result of the preliminary check of Ohi Units 3 and 4 by applying the result to the common features of all other plants of the same type, and by increasing resources of the review team as necessary.
- In other countries, retrofitting is usually performed without stopping operation and by setting an appropriate transition period, to the extent reasonably feasible considering the condition of plant facilities and their operation, risk reduction effect and urgency, and based on thorough communication with the parties concerned.

(2) Procedure for reflecting expert opinions into the requirements

- As the regulatory handling of natural phenomena that are highly uncertain, such as earthquakes, requires high expertise and the ability to make scientifically and technologically unbiased decisions, it is essential to draw up a procedure for incorporating expert opinions impartially into the regulatory requirements and for holding discussions with stakeholders from an early stage.
- There is a good practice of documenting* such procedure for incorporating expert opinions into regulatory requirements by the NRC in the US. We believe that Japan should also code such procedure in the regulatory requirements in order to enhance the transparency and predictability of the requirements. (*NRC Report: NUREG/CR-6372)

(3) Incorporating the latest knowledge into the regulatory requirements

- The Nuclear Regulation Authority is currently considering incorporating the latest data in the regulatory requirements, for example, for defining the reference earthquake motion. However, some data need to be collected continuously and take a long time to process before they can be reflected in the requirements as the latest knowledge.
- To conduct the reviews appropriately, we believe that decisions must be made based on thoroughly-processed data. Unprocessed data should not be used in the reviews until they have been thoroughly reviewed and processed, and instead, should be separated from the reviews and verified on a continuing basis.

(4) Improving the regulatory requirements based on safety targets

- Under the safety targets recently indicated, we are determined to actively conduct risk evaluations such as probabilistic safety assessment and work on improving safety.
- We think that the Nuclear Regulation Authority should improve the safety requirements by effectively using the safety targets, to ensure that the requirements and their operation remain rational and consistent. Furthermore, the process for improvement should be documented, as is the case in the US.
- It should be noted that the “Interim Report on the Status of Deliberation and Studies on the Safety Targets” of the former Nuclear Safety Commission, on which the current discussions are based, also states that safety targets “serve as a reference for judgment that affects the entire regulatory activity, including its rationality and consistency, and thus, it is appropriate to apply them”.

(5) Reference processing period of installation licenses

- The internal rule on the standard processing period stipulates that the lead time for processing installation licenses is “2 years” across the board for all cases. This is the same as the current processing time for new construction and expansion licenses for nuclear reactor facilities.
- While the former internal safety review rules stipulate the approximate review period for each type of review (about 2 years for new construction and expansion, and about 6 months for cases that have been reviewed before and do not require hearings of expert opinions), the recently released rules do not specify a period for each type of review, leaving uncertainties.
- Thus, we think that the lead time should be clarified for each type of review. Furthermore, considering that the double check by the Nuclear Safety Commission has been abolished, the lead time should be changed to 1 year for new construction and expansion and 3 months for those that have been reviewed before. The rule should also require an explanation for any failure to complete the review within the specified lead time, together with an extension period.
- The standard lead time for security rule approval is 6 months across the board except for changes in the operation period. Considering past reviews and that efforts to improve safety should be started promptly, the standard lead time for security rule approval should be changed to 3 months.