

Commission Locale d'Information (CLI) in France and its implication to Japan -

- Institutionalized roles of local government, operators and regulatory body in the nuclear power plant operation:

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Regulator Reform after Fukushima

- Fukushima accident on 11th March 2011
- Various processes for accident investigation – government, Diet, Non-governmental
- “Basic Concept of Structural Reform of Nuclear Safety Regulation” 15th August 2011 (even before the interim report of government investigation committee) – Nuclear Safety and Security Agency
- Alternative model by LDP – **Administrative committee based on article 3 of Administrative Organization Act**
- It was agreed to establish **Nuclear Regulatory Commission (NRA) in the Ministry of Environment** in June 2012, which was finally set up in September 2012 (but without the approval of members by the Diet until 2013)
- →Strengthening the **independence** of nuclear regulatory body

Remaining Issue (1) - Ensuring Capabilities

- Formal independence is not enough – need for capacity
- After the JCO (nuclear fuel production company) critical accident in 1999 and the reorganization of government ministries since the Hashimoto administration reform in 2001, **the NISA had been reinforced and the JNES (Japan Nuclear Safety Energy Organization) was established** under the NISA (Nuclear and industrial Safety Organization) - mid-career recruitment from manufacturers for acquiring technical expertise
- But the problems of capabilities remained: **The mid-career staffs from manufacturers** were not always succeed in regulating in a comprehensive way, nor could they get the skills as regulatory professionals enough to deal with operators.
- Now NRA (incorporating JNES) has **more than 1000** staff in MOE but needs raining
- Issue of human resource: In the case of the United States, the **Navy**, which has lots of nuclear submarines, has played an important role as an excellent source of nuclear professionals. In Japan, it can be said that **Science and Technology Agency (STA)** and some research institutes under the former STA such as the former **Japan Atomic Energy Research Institute (JAEA)** had played a role somewhat similar

Remaining Issue (2) - Roles of Local Governments

- There is **no official role of local government relating to nuclear safety** even though there is official role for **disaster preparedness and management** plan and ad hoc process for **siting**
 - Historical development of **nuclear safety agreement**
 - Historical importance of **informal relationship between local governments and utilities** – NISA was behind utilities and experts cf. Still important in the case of ex. Kagoshima
 - Possible future official role of local government – monitoring, forum setting (following the model of **CLI in France**)
- cf. Interests of some governors (ex. Shiga) in CLI
- Possibility of new safety agreement by neighboring local governments without prior consent
- **Official relationship between regulatory agency and local governments** becoming important (communication between local governments and operators is not enough)
 - Nothing done so far in the regulatory reform even though there were **some statements in the Diet** when NRC was established

Institution of CLI

- 1981 The notice from prime minister Mauroy
 - In 1981, the Special and Permanent Information Commission for the facility at La Hague (CSPI) was established in response to requests from mayors of local governments nearby. Around the same time, similar commissions were also established for nuclear facilities in other site.
 - As these organizations were evaluated as useful in the disclosure and oversight of the facilities, the prime minister Mauroy issued the notice that encouraged to set the Commission Locale d'Information (CLI) (1981.12.15).
 - Under the notice, CLIs were set in many local region where nuclear facilities were sited. However, activities of each CLI varied by region because the notice didn't have any legal basis and there was no specific finance resources.
- 2006 Act on nuclear safety and transparency
 - Regulation reform was implemented to ensure the transparency of nuclear industries (Ex) Gain independence of ASN), based on the report by member of OPECST (Parliamentary TA organization) Bataille.
 - Setting of CLI for each nuclear facility was obligated. The proportion of financial source, member constitution and activity of CLI, the cooperation from related organization were specified in the act.
 - Decree in May 2008 ruled specific details like the proportion of member who represent various groups.
 - Current proportion of financial source is 50% for ASN and 50% for local government. Capital subscription from licensee is fundamentally prohibited.

Composition of CLI

- Responsible official
 - Prefectural assembly chairman for civil use facility (CLI), prefect (governor) for military use facility (CI).
 - They can delegate the responsibilities to others.
- Local assembly members: constitute over 50% of CLI members
- Environmental protection groups: constitute over 10% of CLI members
 - Many of these groups are discreet or oppose to the nuclear use.
 - CLI puts people with different opinions each other in the same arena, although it depends on their qualifications whether they can make constructive discussion.
- Labor union: constitute over 10% of CLI members
 - Concerned about employment or economic issue.
- Experts and intellectuals: constitute over 10% of CLI members
 - Local assembly members or others scout them out with their personal connection and decide in a general meeting of CLI.
 - In addition to discussion in specialized areas, they play the central role in investigations which CLI uniquely conducts.

The roles of CLI

– the interactive communication –

– Operator– site region

- Operator is obligated to give information to CLI and answer the question from CLI.
- Operator attaches a high importance to the opinion of CLI when it is reasonable.
 - Ex. Consolidate the report method to CLI (Gard prefecture CLI), change the person in charge (CLIGEET)

– ASN — site region

- Provision of information to the public about nuclear safety and radiation protection is obligated based on the article 4 of transparency act.
- The article 22 on the act obligate the question from CLI to ASN and the answer from ASN.
- When any trouble occurs, CLI can examine whether the information from licensee is handled arbitrarily or not based on the report from licensee and the result of analysis by ASN.

– National related agencies — site region

- Communication system exists to carry the voice of siting region to related government ministries or national diet members through HCTISN.

⇒ The interactive communication is assured in the law in both vector, the provision of information from concerned body to site region and the opportunity of delivering an opinion from site region to concerned body.

Systematic Function of CLI

- Preparation of institutional infrastructure that supports CLI activities.
 - Clear organizational definition/orientation, as specified by the 2006 enactment, to ensure transparency.
 - Guarantee of financial resources (especially investment by ASN).
 - Nominating structure that allows CLI to choose environmental organizations, experts, etc. as participants.
 - Operators and ASN have the right to speak but are not allowed to interfere with decisions.
- Relation to other existing systems.
 - Relation to open preliminary surveys and public debate for siting decision making.
 - Open preliminary surveys have been conducted since the early 19th century, with 15,000 surveys carried out every year at present.
 - The type of system is widely used not only for nuclear power but also for social infrastructure development operations.
 - Risk management role of prefets (governors) when trouble arises.
- Extension (geographical coverage) of CLI by distance

⇒ Stable CLI activities are legally systematized.

⇒ CLI has no authority over nuclear facility operations; however, supportive use of citizens' participation mechanism in place supplements it.

Comparison of Municipal Involvement between Japan and France

	France	Japan
Reporting under normal conditions	<ul style="list-style-type: none"> • Operators and ASN are obliged to supply information to CLI. • Operators and ASN are obliged to answer CLI's inquiries. 	<ul style="list-style-type: none"> • Operators' reporting to municipalities is mandated by their safety agreement. • Operators are voluntarily disclosing various types of information beyond their obligation in recent years.
Reporting under emergency conditions	<ul style="list-style-type: none"> • Operators are obliged to contact CLI. • ASN is also obliged to report to CLI. • The chief command in the locale is taken by prefet (governor). • Operators are to periodically disclose information on minor events. 	<ul style="list-style-type: none"> • Operators' communication to municipalities is mandated by their agreement. • Safety Agency provides relevant information and explanation ad hoc. • The chief command in the locale is taken by section-in-charge at prefecture. • Operators are to periodically disclose information on minor events.
Dissemination of Information to Residents	<ul style="list-style-type: none"> • 'Dissemination of information' is specifically listed as one of CLI's founding purposes. • CLI makes active PR efforts under normal conditions and also holds periodic conferences openly. • Operators are basically responsible for the press release when trouble occurs. 	<ul style="list-style-type: none"> • No rules concerning municipalities' dissemination of information are stipulated in the agreement (only operators obligation). • Municipalities are to make active PR efforts and hold educational activities under normal conditions, with the help of national subsidies. • There are instances when municipalities issue press release in addition to operators, when trouble occurs.
Environmental Monitoring	<ul style="list-style-type: none"> • Listed as one of the founding purposes. • Normally, CLI experts, etc. perform evaluation of reports from operators and ASN. • In emergency and the like, CLI conducts its own investigation. 	<ul style="list-style-type: none"> • Many agreements stipulate it as one of municipality roles. • Municipalities (or prefecture) and operators are to constantly conduct respective monitoring, the results of which are evaluated and published by states' special committees.
On-site Investigation	<ul style="list-style-type: none"> • It is not CLI's role. • There are some instances where operators voluntarily host on-site tours after occurrence of trouble. 	<ul style="list-style-type: none"> • Local government roles- clearly stipulated in the agreement. • There are periodic on-site investigation and post-incident on-site investigation. • In recent years, there have been many cases where municipal employees tour the sites, outside the scope of stipulation in the agreement.

Comparison of Municipal Involvement between Japan and France

	France	Japan
Request for Measures	<ul style="list-style-type: none"> • The law allows CLI to provide its opinions, not formally as 'request' but rather as 'inquiry (question)' • ASN and operators respond to e CLI's opinions highly. 	<ul style="list-style-type: none"> • Clearly stipulated in the safety agreement, some of which include provision to request suspension of the operations. • There are many cases where local governments make substantive requests to operators, outside the scope of stipulation in the agreement. • Operators value local governments' requests highly.
Compensation of Damages	<ul style="list-style-type: none"> • There has been no case of official damages compensation requested by CLI. • There are, however, some instances where operators apparently compensated for damages caused by harmful rumors. 	<ul style="list-style-type: none"> • Some agreements specifically provide for compensation of damages, including ones caused by harmful rumors. • In some cases, operators actually compensated for damages caused by harmful rumors.
Operational Resumption Procedure	<ul style="list-style-type: none"> • CLI has no approval right, but ASN's consultation with CLI is specified systematically. • In actuality, no suspended operation is resumed without consultation with CLI. • After ASN's formal decision is made, suspended operations are resumed even when there are opposing views. 	<ul style="list-style-type: none"> • Some agreements clearly require prior consultation before operations are resumed. • In actuality, many operational sites are required to obtain local governments approval (especially from prefecture governors), with or without the rules. • In some cases, the procedure becomes drawn out due to municipal review, even after the result of safety evaluation, etc. is reported.
Prior Approval of Site Location, etc.	<ul style="list-style-type: none"> • CLI has no approval right, but ASN's consultation with CLI is mandated. • For gathering opinions of local residents, existing citizens' participation mechanism such as open preliminary surveys is applied. 	<ul style="list-style-type: none"> • For new construction, governors' consent is required systematically. • The agreements clearly stipulate prior approval requirements for new and additional construction of sites. • Aside from national evaluation, local governments also conduct their own examination, during which chiefs of related local governments determine/approve the case at hand. • In some cases, the procedure becomes drawn out due to local governments review, even after the result of safety evaluation, etc. is reported.

Suggestions for Japan

- Clarification of local governments' role in the nuclear power regulatory system.
 - CLI's legal empowerment induced by the nuclear transparency act formally helped local governments gain their formal role in parts of nuclear power regulatory system ↔ **safety agreement in Japan**
cf. **Kashiwazaki Chiiki no Kai - officially set by operator and informally supported by local government**
 - **Distinction between information sharing/discussion forum and decision making process, the former being systematized as CLI's role.**
- Assured mutual communication channel between **operators/regulatory bodies** and local governments
 - The law requires supply of information to CLI and also allows CLI to make inquiries.
 - Operators and regulators use it as a public forum where information can be gathered for the sites' locale.
- Clear definition of 'transparency' as a regulatory objective.
 - Transparency of overall regulatory system is improved by setting '**transparency**' as **statutory goal**, including inception of CLI, improved autonomy of ASN, and assignment of information supply roles
- Utilization of '**joint fact-finding**' methodology.
 - CLI has its sole discretion to make decision about 'what to check' as well as 'which experts to consult with' - role of citizen science
 - It can be applied to Japan, for cases where opposing expert views exist, i.e., earthquake-related risks.
- **Extension (geographical coverage) by distance**