

Feedback on Comments Received on draft Omnibus Amendments to Regulatory Documents Addressing Lessons Learned from the Fukushima Daiichi Event

The comments from the industry, that the proposed amendments to strengthen regulations are not Fukushima related and that these changes be postponed, highlight a justified concern that the mindset of the industry indeed is dangerously similar to that mindset that led to the disaster at the Fukushima Daiichi Nuclear Plant.¹ Parallel to the mindset problems noted in the report from the National Diet of Japan, the comments from industry lean toward acceptance of a level of negligence supported by faulty rationales for decisions and actions, and a risk management approach in which the interpretation of issues get stretched to prioritize benefits to the organization at the expense of the public.

The mindset underlying the industry's contention that strengthening regulations is not Fukushima related is a chilling indicator for concern in light of the Chairman's statement in the report from the National Diet of Japan:

Only by grasping this mindset can one understand how Japan's nuclear industry managed to avoid absorbing the critical lessons learned from Three Mile Island and Chernobyl; and how it became accepted practice to resist regulatory pressure and cover up small-scale accidents. It was this mindset that led to the disaster at the Fukushima Daiichi Nuclear Plant.

In my comments submitted on the NPP 2011 Report, I noted that the NPP 2011 Report did not acknowledge the mindset of the industry and its regulators that were primary factors leading to the disaster at the Fukushima Daiichi Nuclear Plant, nor did it provide any evidence that a similar mindset is not operative in Canada.² When this issue was raised at the August 14 -15 meeting of the Commission, CNSC staff gave general assurance of a different regulatory philosophy in Canada.

91. The Commission, noting the intervenor's concern about the relationship between the Japanese regulator and nuclear industry contributing to the Fukushima accident, asked CNSC staff to comment on the regulatory process in Canada. CNSC staff responded that there is a different regulatory philosophy in Canada based on continuous safety improvement, including the implementation of new standards and regulatory documents,

¹ The National Diet of Japan official report of The Fukushima Nuclear Accident Independent Investigation Commission, 2012

² 12-M40.10 2012-07-24 Edocs # 3976423

CNSC staff Integrated Safety Assessment of Canadian Nuclear Power Plants for 2011 (2011 NPP Report) – Written submission from Mary Lou Harley

*as well as design upgrades. CNSC staff noted that the CNSC also shares information in an open and transparent manner.*³

I urge the Commission to act on the stated CNSC regulatory philosophy, including sharing of information, and proceed with strengthening the regulations without postponement. Specifically, I suggest that

- all proposed amendments proceed except the proposed time change for updating under section 5.4 which should remain at 3 years because an extension to 5 years is counter to the lessons learned from Fukushima
- a Level 3 PSA be a requirement with respect to section 5.1
- requirements for review of PSA's be included in section 5.13 in S-294 as there are in RD-310
- section 9(b) of the NSCA be noted as relevant legislation to the S-294 standard
- RD-152 be finalized and referenced in the S-294 standard

Thank you for the opportunity to comment.

Dr. Mary Lou Harley

³ Minutes of Commission (CNSC) meeting August 14-15, 2012
www.nuclearsafety.gc.ca/eng/commission/pdf/2012-08-14-15-Minutes-e-Edocs4007516.pdf