

# NUKE INFO TOKYO

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c/o Citizens' Nuclear Information Center

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## Asia-Pacific Forum on Sea Shipments of Japanese Plutonium



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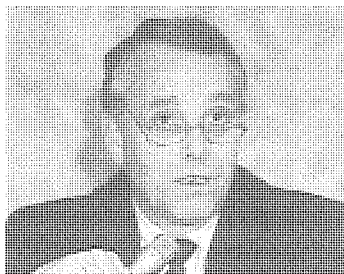
Special - Japanese Government Upset

A three-day forum, co-sponsored by the Citizens' Nuclear Information Center and the U.S. Nuclear Control Institute, to examine the need for and the problems associated with the imminent shipment of plutonium was held in Tokyo from October 4 to 6. More than 150 people attended the Forum, including staff from the Embassies of Argentina, Australia, Chile, France, Indonesia, Malaysia, Philippines, Papua New Guinea, Venezuela, etc. and more than 40 representatives of the domestic and international press.

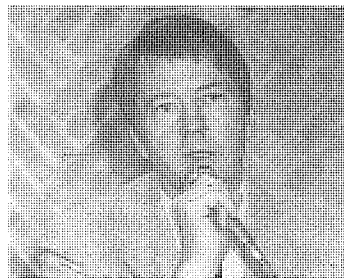
The morning session on the first day explored the risks and problems associated with the shipment. Dr. Takagi of the Citizens' Nuclear Information Center addressed the question: "Does Japan Need Plutonium?" Professor William Wallace of Rensselaer Polytechnic Institute, U.S.A. examined "What Risks do Plutonium Sea Shipments Pose for Public Health and Safety." Mr. Paul Leventhal, President of the Nuclear Control Institute, spoke on the "Impact of Japan's Plutonium Program on Global Proliferation and Nuclear Terrorism." Prof. Jon M. Van Dyke of the University of Hawaii Law School talked on the "Liability and Law of the Sea Ramifications." Prof. Andrew Mack of the Australian National University then examined the "Impact of Japan's Plutonium Program on Regional Stability and Nuclear Development."

All of the briefing sessions were very informative and prompted a lot of questions from the participants, including representatives from the embassies of the countries en route.

## Obligations Not Met



Prof. William Wallace, in his talk questioned what 'risk analysis' is in technical terms, and what ought to be done before any of us takes action. He said, "Such risk analysis is only the first step in determining public policy, which should involve those individuals who may be affected adversely, perhaps catastrophically by our actions." He emphasized that "Neither adequate technical analysis, nor public involvement has taken place in the decision to ship by sea the hazardous material plutonium."



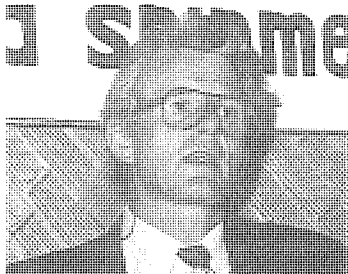
Prof. Jon M. Van Dyke spoke next, defining in his lecture what environmental assessment is in a legal sense. He made it clear that Japan has four obligations under international law.

- 1) An obligation to protect and preserve the marine environment, as stipulated by Article 192 of the 1982 United Nations Law of the Sea Convention. Although the 1982 Convention is not yet in force, more than 50 nations have signed it, and once 60 nations have ratified it, it will become law. Therefore most experts view the environmental provisions of the convention as reflecting customary international law.
- 2) An obligation to avoid causing harm to other nations, and to have due regard for the interests of other states in exercising its freedom of the seas.
- 3) An obligation to inform and consult with the countries along the route of its planned shipment because of the enormous environmental damage that would result from an accident, hostile attack or other incident at sea. Prior consultation norms clearly exist for the use of radioactive material in a way that poses significant risks to another country.
- 4) An obligation to prepare a detailed environmental impact assessment before going ahead with the shipment. The assessment must look at the probable consequences of the activity on the marine environment. It must study any adverse effects which cannot be avoided, and take account of both short-term and long-term consequences, particularly those likely to be irreversible and irremediable.

None of these obligations have been met by the Japanese government.

No nation can be required to allow a vessel into port in case of emergency involving the cargo, and nations can also bar shipments from their territorial waters if an accident involving the cargo threatens to pollute the marine environment. Prof. Van Dyke stressed that if any accident involving the plutonium harmed people or the marine environment, Japan would be held strictly liable to provide compensation for the damage without regard to fault or negligence. This strict liability principle applies because the cargo is ultrahazardous.

## Regional Stability



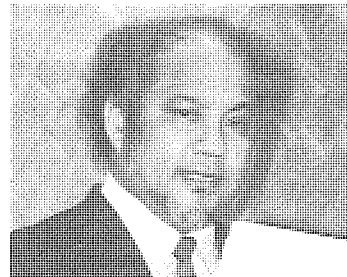
Prof. Andrew Mack addressed concerns over the shipment from a regional stability viewpoint. He said that, while there may be little concern about the intentions of the current governments of Japan, South Korea or Taiwan, governments can and do change. Endorsing a plutonium economy assumes that the region's present "stable" democratic and peaceful governments will remain that way forever. Such an assumption is unrealistic, particularly in a region characterized by long-standing and bitter conflicts.

Japan's plutonium program fuels real concerns in the region because: Japan's security policy might change significantly if the United States drastically reduces its defense commitment to the region; it is difficult to tell North Korea that it cannot use plutonium while at the same time saying it is proper for its historic enemy, Japan, to do so; and while no one believes the present Japanese government has any intention of making nuclear weapons, Japan clearly has the technology to make and

deliver nuclear weapons within a few months to a year, if it were to choose to do so.

Ms. Eleanor Gonzalez from the Nuclear Free Philippines Coalition, and Congressman I Hae Chan from the Republic of Korea expressed similar concerns during the afternoon session.

## Concerns from En Route Countries



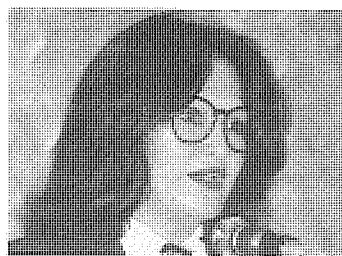
The afternoon session, in which representatives from countries en route expressed their concerns over the shipment, started with a statement from the President of the Republic of Nauru. "We Nauruans see the proposed plutonium shipments as part and parcel of a much broader problem, one that has recurred several times in this century. This problem is that our large and powerful neighbors impose upon us unwanted risks and burdens without our advice and consent," President Bernard Dowiyogo of the Republic of Nauru, a tiny island nation in the Pacific, spoke for all the people of the Pacific islands, stating that "other countries, larger and more powerful than us, impose upon Pacific peoples the unwanted costs of their technologies, while they extract all of the perceived benefits." He said, "These shipments represent yet another example of the imposition of a nuclear risk on the Pacific peoples without our counsel or consent," that the shipments through Pacific waters "pose a significant risk to us and to other Pacific Peoples; and that we therefore have the right and duty to our people to question them in the most direct terms, and to

express our deepest concern and objections." He asked Japan, the U.S. and France to desist from these shipments. He further made it clear that his country, Nauru, would refuse port entry to Akatsukimaru even in the case of an emergency, and asked all other countries in the region to do the same. Finally he pledged that Nauru would urge all Pacific Forum member countries "to work together through all possible diplomatic channels and other available avenues to bring about the cancellation of such shipments."



Governor Lorenzo I. De Leon Guerrero of the Commonwealth of the Northern Mariana Islands stressed his concerns over safety. He said, "Damage from Plutonium would be eternal. Our Pacific islands would stand like tombstones in a dead sea." Although all the authorities say the shipment is totally safe, he maintains that "We have learned the hard way that the authorities can be wrong," referring to the Three Mile Island and Chernobyl nuclear accidents. He was especially concerned as to whether the islands might be used as emergency ports-of-call. If so, they would need to know how to respond to an emergency involving a radioactive spill. He concluded by saying, "We live in a fragile, small island, ocean environment. We cannot have any radioactive spills. The health and economic prosperity of the entire Pacific Region is at risk."

Senator Marilyn Manibusan of the Guam Legislature emphasized the need to raise global awareness concerning this transshipment of toxic material. "I am talking about a nuclear annihilation--an annihilation that is not the megatons of



destruction loosed by the dropping of one bomb...but the silent annihilation of human lives--animal and plant lives--by the release of the most toxic and deadliest poison in the world in case of a plutonium spill or leak in the sea or on the earth."

She referred to the resolution passed unanimously by the 21st Guam Legislature in July, which adamantly opposes "any shipment of any radioactive material across the Pacific Ocean, and most adamantly and vehemently objects to the planned shipment of radioactive plutonium which can be used in the manufacture of nuclear weapons across the peaceful waters of the Pacific Ocean, and the resulting endangerment to the environment and the peoples of the Pacific."

She also referred to the Asian-Pacific Parliamentarians' Union (APPU) 51st Council Meeting, at which a resolution urging the Japanese government to apprise nations along the transport route of all information regarding this shipment was deferred to the next council meeting by the Japanese delegates. She said that since we all belonged to the same human race, and plutonium was toxic for all time, we would get together to overcome the challenges we faced.

Anung Karyadi of the Indonesian Environmental Forum (WALHI) emphasized the danger of the plutonium vessel passing through the Malacca Strait, as it is congested and very narrow, and accidents are not uncommon.

Lopeti Senituli, Director of the Pacific Concerns Resource Center, representing the Nuclear Free and Independent Pacific, reminded the participants of how the Japanese government had tried to persuade

the Pacific countries to accept the dumping of Japanese radioactive waste in the Pacific Ocean in 1980. On that occasion, the Japanese delegation presented colorful booklets showing how harmless dumping would be to the beautiful ocean and blue skies, but not showing any people. This time, at the South Pacific Forum held in the Solomon Islands in July, the Japanese government again presented "technical information" consisting of childish cartoons and drawings showing how the plutonium shipment was going to be safe.

"The Japanese government has a major problem in its perception of the peoples of the Pacific. In 1980 we were non-existent. In 1992, we do exist but we are still an uncivilized, illiterate people. Underlying this perception is a certain degree of arrogance and self-righteousness that befits the imperialist governments of the 19th century and the first half of this century."

The Forum was widely covered by the media from start to finish, not only by all the major Japanese papers but by foreign correspondents, TV and radio stations.

On the following day, the Foreign Ministry announced that they would put out new pamphlets in English explaining the shipment in more detail, to 'gain more understanding.' They also announced that they would put opinion ads in foreign newspapers. The forum can be judged a big success in having brought such an instantaneous reaction from the Japanese government.

## Resolution

On the second day of the Forum, a discussion session was held in the morning and a final resolution was adopted in the afternoon. The text of the resolution is as follows:

We, the undersigned participants in the program of the Asia-Pacific Forum on Sea Shipments of Japanese Plutonium

--having examined and discussed the serious problems and risks associated with

the impending ocean shipment of more than one ton of plutonium to Japan from France for use as fuel in nuclear power reactors;

--recognizing that plutonium is one of the most long-lived and radiotoxic elements and is also an essential material for the manufacture of nuclear weapons; and

--considering that these uniquely toxic and explosive properties make the separation and transportation of plutonium a grave threat to health and the environment, as well as a major risk of nuclear-weapons proliferation in the Asia-Pacific region and worldwide;

have arrived at the following findings and conclusions:

## FINDINGS

1. A severe accident or attack on the plutonium ship could lead to disastrous pollution of the marine environment.

2. If such an accident or attack occurred in a congested port or waterway, or if a damaged plutonium ship sought to make an emergency port call, release of only a small fraction of the plutonium cargo could have catastrophic effects on nearby populated areas.

3. International safety standards for the casks to be used for shipping the plutonium have been found by independent maritime safety experts to fall short of the fire, collision, and deep-immersion conditions that actually occur in severe accidents and attacks at sea and in ports and waterways.

4. The Governments of Japan and France have not released the data necessary to permit independent assessments of the safety of the plutonium sea-shipment plan. The Japanese Government has announced it successfully tested a cask for 20 minutes at a pressure equivalent to a depth of 10,000 meters, but it has refused to release the detailed test results for independent analysis. Furthermore, the container has not been tested for fire resistance beyond the international standard of 800 degrees

centigrade for 30 minutes, even though the average ship fire burns for about one day at temperatures exceeding 1,000 degrees centigrade.

5. Compensatory measures taken in the design of the transport ship, such as double-hulled construction, twin screws, and advanced navigation and fire-suppression systems, do not eliminate the possibility of a major accident or attack capable of releasing highly toxic plutonium---for example, a collision with a large oil tanker or a missile attack.

6. Japan has failed to meet its obligations under international law to consult with the other nations that will be affected by the proposed ocean shipment of plutonium and to prepare an environmental impact assessment to evaluate the risks presented by this proposal. Japan has also failed to meet international obligations to prepare contingency plans with other affected governments for responding to emergencies that could develop and for gaining access to their ports in case of such emergencies. Nor has it indicated that it would accept total liability for the consequences of theft or release of plutonium.

7. Furthermore, although emergency port calls are specifically provided for in the required contingency arrangements worked out with the United States, the original supplier of the nuclear fuel from which Japan is obtaining plutonium, the Japanese Government has not obtained prior approval for such emergency visits from governments along the prospective routes. Nor has it released information on what measures are needed to ensure the safety and security of the plutonium during such emergency port calls.

8. The single, lightly armed Japanese coast guard cutter accompanying the plutonium freighter is inadequate to defend against an attempted seizure or sinking of the plutonium carrier.

9. Japan has a surplus of plutonium and no urgent need to import more of it

from France. Imports of plutonium from France will lead to a large surplus of weapons-usable nuclear material in Japan.

10. A plutonium surplus in Japan threatens to destabilize the Asia-Pacific region and to set a dangerous precedent for the world. In the region, some nations may seek to follow Japan's plutonium example to protect themselves against a perceived military threat. Worldwide, Japan's example will prompt other advanced industrial countries to continue plutonium commerce, while developing countries will strive to acquire for themselves the prestige and influence that Japan associates with plutonium.

#### CONCLUSIONS

1. All governments of the Asia-Pacific region should oppose the impending ocean shipment of Japanese plutonium because the potentially catastrophic safety, security and proliferation problems associated with the shipment have not been resolved and the understanding and consent of all governments along the shipment route have not been obtained.

2. The Japanese Government and industry should halt the plan to ship plutonium by sea because the plutonium is not needed and because severe problems have not been resolved nor have the necessary understandings and consents been obtained.

3. The United States Government, which has approved Japan's separation of plutonium as well as the sea-shipment plan on the basis of all safety, security and proliferation concerns being met, should withdraw its approval.

4. The French Government, which still has to approve a license for exporting the plutonium to Japan, should deny the license because Japan cannot demonstrate a real need for the plutonium and because of the other outstanding concerns.

5. The United Nations should immediately take the following actions:

--obtain from the Government of Japan

all engineering data and studies concerning the risks of the impending sea shipment of plutonium for an independent assessment by a select group of maritime experts;

--strengthen the international safety standards for plutonium shipment casks to ensure they can withstand a maximum credible maritime accident; and

--seek an advisory opinion from the International Court of Justice on the legitimacy under international law of the unilateral act by Japan to ship this ultra-hazardous cargo through the global commons of the world's oceans.

President Bernard Dowiyogo, Republic of Nauru

Eleanor M. Gonzales, Nuclear Free Philippines Coalition

Governor Lorenzo I. Guerrero, Commonwealth of the Northern Mariana Islands

Congressman I Hae Chan, Republic of Korea

Anung Karyadi, Indonesian Forum for the Environment (WALHI)

Paul L. Leventhal, President, Nuclear Control Institute, U.S.A.

Professor Andrew Mack, Australia National University, Canberra, Australia

Senator Marilyn Manibusan, Guam

Lopeti Senituli, Director, Pacific Concerns Resource Center, New Zealand

Dr. Jinzaburo Takagi, Director, Citizens' Nuclear Information Center, Japan

Professor Jon M. Van Dyke, University of Hawaii Law School

Speaker Thomas P. Villagomez, House of Representatives, Commonwealth of the Northern Mariana Islands

Professor William A. Wallace, Rensselaer Polytechnic Institute, New York, U.S.A.

Tokyo, October 5, 1992

### STA Gives Answers

Following the two-day Forum, the delegates visited the Science & Technology Agency, and submitted the resolution. They then discussed various issues with Mr. T. Sakata, the Director of the Nuclear Fuel Division. Following is a summary of that discussion. Questions by the foreign delegates, answers by Mr. Sakata.

#### 1. Cask Safety

Q: We believe that the IAEA standards for the plutonium transportation casks do not reflect the maximum credible accident conditions.

A: The government believes that the IAEA standards are adequate. If the standards were inadequate, IAEA would revise them.

The government has a strong interest in the safety of the shipment. Since the Japanese crew members sleep and live on the plutonium cargo during the voyage, safety is Japan's own concern. The ship has a crew of more than 200 which includes plutonium experts to keep the ship prepared for contingencies.



## 2. Route for Shipment

Q: Is the government, as reported in a recent Australian parliamentary debate, committed "in principle" to keep the plutonium carrier beyond the 200 nautical-mile economic zone of all nations along the shipping route? What is the meaning of "in principle"?

A: The official position of the Japanese government is that, in principle, the plutonium carrier will make a non-stop voyage from France to Japan in open seas keeping away from land in order to avoid the possibility of collision or attack. But the ship could enter a country's 200 nautical-mile zone under unavoidable circumstances or under conditions where not entering the zone was considered impractical.

Q: Does this then mean that the ship will either go round the Cape of Good Hope and the south of Australia or round Cape Horn?

A: We have not yet decided the route, but we will avoid densely populated areas. If you look at a globe, you will see that possible routes are limited.

## 3. Emergency Port Calls

Q: Is there a plan for emergency port calls? If so, what ports are designated as candidates for such emergency calls?

A: A detailed contingency plan is included in the shipment plan submitted to the US government. Emergency port calls have been taken into consideration in the plan, although they are regarded as quite hypothetical. No special ports are designated as candidates for emergency calls.

Q: Our understanding is that Annex 5 of the Japan-US Nuclear Cooperation Agreement requires Japan to notify and consult with governments along the shipping routes regarding emergency port calls in advance. This is also required by international law. Is the government prepared to do so?

A: The government's understanding of Annex 5 is different from yours. We do

not consider it requires notification and consultation in advance. Our understanding is shared by the US government. If ever an emergency port call becomes necessary, Japan will consult the country in advance.

Q: What will Japan do if the country refuses to admit the ship?

A: We will not attempt the port call in that case.

## 4. Security

Q: Has the escort ship a capability to defend itself against anti-ship missiles?

A: We had a long discussion with the US government about how to defend the plutonium carrier from various attacks. We are convinced that the ship is protected against any conceivable attack. Only states, not terrorists groups, are armed with anti-ship missiles. The threat analysis does not conceive an attack by a state as realistic.

## 5. Risk Analysis

Q: Has the government conducted a risk analysis of the shipment? We believe that Japan is obliged to do so under international law, and the people of countries en route have a right to be informed of the results of the analysis. What is your view?

A: We have not conducted a risk analysis, nor do we intend to do so. This is not required by Japanese law. Nor do we regard this as a violation of international law.

According to a 1988 ANL (Argonne National Laboratory) Report, there would be no significant radiation exposure of the public in case of a plutonium release accident during shipment of 500 kg of plutonium.

## 6. Liability

Q: Who will accept liability for an accident to the ship?

A: The Power Reactor and Nuclear Fuel Development Corp. (PNC) is totally responsible. If damages exceed the solvency of PNC, they will be paid by the government of Japan unlimitedly.



## Akatsuki-maru Embarks on Dangerous Voyage to Japan

Akatsuki-maru left the port of Cherbourg around 5:00 AM on the morning of November 8 (Japan time) bound for Japan loaded with 1.5 tons of plutonium.

We strongly protest this shipment of such a huge amount of plutonium. The shipment will threaten the entire world with the danger and toxicity of its cargo and will pave the way for Japan to become a plutonium giant.

Japan already has an overstock of plutonium and there is no need to transport more of it from France. The Japanese government has not supplied any convincing documentation to support the need for this plutonium. If these shipments continue, Japan will be burdened with an enormous stockpile of plutonium.

Furthermore, it is clear from the isotopic concentration of the plutonium to be returned, that it includes plutonium extracted from spent fuel other than that from Japanese nuclear waste. This is of grave concern regarding the management of nuclear materials.

On October 29, French Minister of Industry and Commerce, Dominique Strauss-Kahn issued an export license for the return of plutonium from France to Japan. Approval for this license was based on the extremely inadequate analysis by IPSN (Institut de Protection et de Surete Nucleaire) of the Transport System Safety Document submitted by the Japanese government. The license, therefore, is completely improper and unjustified. We strongly protest the issuance of this export license which blatantly ignores crucial safety issues.

The Citizens' Nuclear Information Center, with the Nuclear Control Institute based in Washington, D.C., had already sent

two open letters (dated September 4 and October 22) to Minister Strauss-Kahn concerning this transport. We stated that there was already a surplus of plutonium in Japan and therefore it was unnecessary to import plutonium from France. We also stated that the safety of the transport casks had not been confirmed, therefore the transport should not be approved, and urged that the transport license not be issued. We consider it extremely regrettable that the Minister has not responded to either of our letters to date, approved the flawed and deficient IPSN report, and issued this export license.

### Casks will NOT Hold!

According to the IPSN analysis which we have obtained (data October 29 by IPSN, and made public on October 30 by the Ministry of Industry and Commerce), the transport casks:

- \* meet international standards
- \* can withstand fire and accidents
- \* can be retrieved up to ocean depths of 500 meters in the event the transport vessel sinks,

and moreover, even if the casks leak due to irretrievability, and the total amount is discharged instantaneously on the sea-bed, the radiological effects to human beings will be extremely small and negligible.

Nevertheless, actual tests for fire have only been conducted at 800 degrees centigrade for 30 minutes. Extrapolating from this data, IPSN has sought to prove that the joints of the casks will hold for up to 90 minutes in fires of 1,000 degrees centigrade. However, considering that the average shipboard fire lasts for one whole day with temperatures of 1,100 degrees C, the limited fire-resistance of these casks is

of grave concern.

In addition, it has been stated that tests conducted in France and Japan on the effects of pressure due to deep sea immersion showed that there is no "significant deformation" observed on the confinement enclosure portion of the casks up to test pressures of 1,000 bars, equivalent to deep sea immersion of 10,000 meters. The IPSN report does not mention, however, the Japanese tests at 1,000 bars were conducted for a duration of only 20 minutes, during which time serious deformations of the casks were actually observed. It therefore remains completely uncertain whether the casks are capable of withstanding deep sea immersion for long periods of time.

#### Only Risks to Japanese are Assessed

Moreover, if the plutonium casks fell to an ocean depth of over 500 meters due to a ship collision, it would be very difficult to retrieve them, and under such circumstances it is pointed out that the plutonium could leak out due to corrosion from long term contact with sea water. However, the report states that even if the total amount of plutonium was discharged instantaneously on the sea-bed, it would not have a measurable effect on the health of human beings. This conclusion is based merely on the Japanese Electric Power Industry Central Research Institute's "Study to Establish Pu Transport System," a report that could not under any circumstances be called scientific.

This study was commissioned by the Science & Technology Agency of Japan to assess the risks to the Japanese people in case of accidents occurring at points 40 km, and 500 to 1,000 km away from the coast of Japan. The effects of the hypothetical sinking and discharge of the total amount of plutonium are only evaluated on the basis that the Japanese people will eat 260g of marine products from that area every day. The study concludes that in whichever case, the exposure and risks to the Japanese

people are negligible, much lower than exposure to natural radiation.

The study also shows that accidents occurring in shallow ocean would cause the maximum exposure. According to the map, the shallowest place in the Pacific is the South China Sea near the coast of Philippines, Indonesia, Malaysia, and Vietnam. But once again, the study calculates the exposure rate of only the Japanese people, based on the level of consumption of marine products imported from that region.

The Japanese government has maintained it has not done a risk analysis, nor does it intend to, because it does not believe it is required by international law. When the "Environmental Assessment" came to light, the Science & Technology Agency first commented that it was only intended for internal reference by STA staff, but in fact it was submitted to the French government as an official report and was quoted in the IPSN report as a basis for the shipment being "safe," resulting in the issuance of the export license.

On top of this, the study makes no assessment of the most hazardous scenarios like explosions in case of attack, fires, etc., which would cause the plutonium to blow up into the atmosphere and be absorbed by human beings through the lungs. This would cause the maximum exposure to human beings. Neither does the study make any attempt to evaluate the effects on the marine eco system nor the damage to fisheries or the tourist trade.

There is no way this can be called an "Environmental Assessment," and we cannot accept the issuance of the plutonium shipment export license based on such an extremely faulty IPSN report.

We therefore protest the actions of both the French and Japanese governments. We repeat our demand that this transport be halted. And we intend to further our efforts to inform the people of the world of its dangers.

## NEWS WATCH

### Supreme Court Acknowledges Danger of FBRs

In response to legal action taken by some local residents demanding rescission of the permit to construct Monju, a 280MW proto-type fast breeder reactor now under construction in Tsuruga City, Fukui prefecture, the Supreme Court on September 22 acknowledged in its decision that all of the plaintiffs are qualified to bring a legal action. Due to this decision a substantial trial will begin at the Fukui District Court.

The district court had rejected the residents' action on the grounds that they had already brought a civil action to prohibit the construction and operation of Monju. Against this decision the plaintiffs appealed to the Nagoya High Court. Although the high court acknowledged that people could bring two actions, it only recognized those who lived within 20 kilometers of the reactor as qualified to bring an action as "they would directly be affected in the event of an accident," while it rejected those living more than 20 kilometers from the reactor, claiming that "they would have time to evacuate."

The Supreme Court, however, has now acknowledged that all the plaintiffs including those who live 58 km away from the reactor, are qualified to bring an action. In its ruling the Supreme Court stressed the fact that breeding of highly radiotoxic plutonium will take place in the reactor core.

### Supreme Court Rejects Citizens' Lawsuit

On October 29 the Supreme Court delivered its first decisions in a lawsuit seeking the cancellation of permission to build nuclear reactors. Two decisions were handed down simultaneously on lawsuits seeking the cancellation of permission for Shikoku Electric's Ikata Unit 1 (PWR, 566MW) and Tokyo Electric's Fukushima II Unit 1 (BWR, 1,100MW), and both decisions rejected the citizens' requests. The court did not summon the parties and deliver the decisions; instead the citizen plaintiffs, with no forewarning at all, found out about them quite unexpectedly through media reports.

The decisions can be summarized as follows. 1) With respect to safety, the courts are unable to pass judgment on issues concerning which the opinions of experts are divided; thus, unless there are serious errors in the criteria or process of licensing, such judgments may be left to the discretion of government agencies. 2) The licensing procedure need concern only the basic design policy of a nuclear reactor; matters such as detailed design, construction, and operation are not subject to licensing. It is also deemed correct to exempt licensing the effects of the nuclear fuel cycle and thermal effluents.

The decisions, which show that licensing does not in the least guarantee the safety of nuclear power plants, are being heavily criticized for toeing the government line.

## EXIM Bank Funding Not Yet

On October 22 representatives of Indonesian citizens' groups opposing nuclear power plant construction plans visited the Export-Import Bank and delivered a petition with about 600 signatures asking that the bank not fund a nuclear power plant siting feasibility study. A company called NEWJEC has been conducting a study in Indonesia since last November, and it has applied to the bank for financing. However, since NEWJEC is a subsidiary of the Kansai Electric Power Co. and closely involved with Mitsubishi, it is not recognized as an impartial consultant. The citizens requested that no funding be provided because it is assumed from the outset that the plant will be built and that the study is a harbinger of construction. The Export-Import Bank stated that the Ministry of Finance had already granted export approval last September, and that the project has already obtained the tentative consent of the Ministry of International Trade and Industry for trade insurance, which means that the necessary conditions are all satisfied. However, they stated that funding for the project is still "under consideration."

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NUKE INFO TOKYO is a bi-monthly newsletter which aims to provide foreign friends with up-to-date information on the Japanese nuclear industry, as well as on the movements against this industry in Japan. Please write to us for a subscription (subscription rate: supporting subscriber \$40/year or ¥5,000/year, subscriber \$20/year or ¥3,000/year). The subscription fee should be remitted from a post office to our post office account No:Tokyo 6-185799, HANGENPATU-NEWS by postal money order. We would also appreciate receiving information and newsletters from groups abroad in exchange for this newsletter.

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## ECCS Activates at Fukushima Plant

In an October 7 accident at Tokyo Electric's Fukushima I Unit 2 (BWR, 748MW), feedwater to the reactor stopped, the water level dropped, and the emergency core cooling system (ECCS) was activated. While the accident's cause was said to have been human error, detailed data is still being withheld. On the occasion of this accident the public learned of two other accidents, heretofore kept secret, in which the ECCS had kicked in.

## Dead Fish Found Again near Ikata

A large number of fish were found dead in the sea near Shikoku Electric Power Co.'s Ikata nuclear plant (2 PWRs, 566MW each) around the end of August to early September. Deaths of large numbers of fish in the waters near the nuclear plant began to occur in 1981, and this is the seventh time it has happened.

In early June a large number of silver salmon were also found dead in the water near Tohoku Electric's Onagawa nuclear plant (BWR, 523 MW).

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## Japanese Government Upset By Foreign Criticism

Japanese government officials have hinted that they may reconsider their future plutonium policy, according to the New York Times and AP. The comments came during a press conference given by the Foreign Ministry, the Science and Technology Agency and Maritime Safety Agency, on Friday, Nov. 13. Since only foreign reporters were invited and the conference was held on a Friday, with the following Monday a holiday for all Japanese newspapers, this news was covered only by the foreign press.

The government officials are quoted in the foreign media as having admitted being surprised at the strong international criticism of the current shipment of plutonium to Japan by the Akatsuki-maru. "Nobody involved in the shipment expected this would receive such a high level of public attention," Toichi Sakata, the director of the STA nuclear fuels division was quoted. These comments were the first ever to appear in which the government has publicly admitted that the international outcry surrounding Akatsuki-maru has become a diplomatic nightmare at a time when Japan is seeking a higher international profile to match its powerful economic status.

According to the New York Times, a diplomat said, "the international environment has been shifting, so we may not be able to stick to our plan for the

next 10 years," and added, "We will begin to review it." Another Japanese official acknowledged earlier that "major differences of opinion" had broken out within the government over whether to proceed with the shipments at the cost of angering some nations Japan has spent decades trying to soothe.

However, the fact that they invited only the foreign press clearly shows that they want to soothe the foreign media so that they report on the shipment more favorably.

During a formal visit to Japan, President Patricio Aylwin of Chile held a press conference and said he had voiced his concern during talks with Japanese Prime Minister Miyazawa over Japan's plutonium shipments from France. However, it was denied at once by top Foreign Ministry Spokesperson Mr. Hanabusa that the matter had been discussed during 'formal talks.'

This represents yet another example of the Japanese government being sensitive on the issue. It is certain that there is controversy within the government regarding the plutonium utilization program, and that the revision of the long-term nuclear plan will necessarily entail revision of the plutonium program as well. Further, and stronger protests from foreign governments are inevitable to halt further shipments.