

NUKE INFO TOKYO

May/June 2016
No. 172



Citizens' Nuclear Information Center

Akebonobashi Co-op 2F-B, 8-5 Sumiyoshi-cho, Shinjuku-ku,
Tokyo 162-0065, JAPAN Phone: +81 3 3357 3800 Fax: +81 3 3357 3801
URL: <http://cnic.jp/english/> e-mail : cnic@nifty.com

Court cases associated with nuclear facilities in Japan

As reported briefly in the last edition of NIT, there was an important legal victory for nuclear activists in Japan on March 9th this year when the Otsu District Court issued a provisional injunction ordering Kansai Electric Power Company (KEPCO) to shut down its Takahama Units 3 and 4. This was the first time a utility had been ordered to shut down an operating reactor. Both Takahama units had of course passed the new safety regulations, but the judges recognized the plaintiffs' claims that the reactors were a threat to their safety. In this article we explain the strategies taken by anti-nuclear activists in the Japanese legal system, especially post-Fukushima, and the significance and possible future impacts of court cases in the mission to end nuclear power generation in Japan.

Japanese citizens began launching lawsuits in the 1970s demanding the cancellation of the construction or operation of nuclear power plants and nuclear fuel cycle facilities. After the Fukushima Daiichi Nuclear Power Plant (NPP) accident of March 11, 2011, a great many legal actions have been brought to court. Networks of attorneys, accusers and plaintiffs involved in these actions have also sprung up nationwide. This article provides a general explanation of these legal actions, followed by a description of the actions filed after the Fukushima Daiichi accident.

Legal context

There are various types of litigation that can arise in relation to nuclear facilities. One type is where residents/citizens demand that the construction or operation of a nuclear facility be stopped. This type can be divided into two sub-types: administrative cases, where the government is the defendant and the petitioner demands that the approval for the facility be annulled, and civil cases, where the company is the defendant and the petitioner demands that construction and/or operations be terminated.

Most cases are heard by a District Court. If either party is dissatisfied with the decision, they may appeal the case to the regional High Court. If there is still dissatisfaction, it is sometimes possible to take the matter to the Supreme Court, but this is only allowed under certain circumstances: where there is a constitutional issue involved, where a particularly important law is involved, or where the decision goes against a Supreme Court precedent.

Administrative Cases

Japan's first court case against a nuclear facility, launched in 1973, was an administrative case demanding the operating license for the Ikata No. 1

reactor in Shikoku be cancelled. In the subsequent five years, three administrative cases were raised.

Before an action can be filed challenging an operating license for a nuclear facility, an objection must be lodged within 60 days of the granting of that license with the agency which granted the license. (In the Ikata No. 1 case, the objection was lodged in 1972.) If the objection is dismissed, or if it is not responded to within three months, it is possible to proceed with court action.

It is also possible to file a lawsuit to demand that the operating license be declared invalid without going through these procedures, after the 60 day period has lapsed, but conventionally, constituting such a lawsuit is more difficult when the license has been granted and the reactor is already operating.

Civil Cases

From the 1980s on, civil suits have been the main type of litigation involving nuclear power plants. This isn't necessarily because the people bringing the suit have failed to lodge an objection as required for administrative cases. Administrative cases can only be argued within the framework of the question "was the license approval legal?" There was even a case where the court found that the approval was legal, but went on to say, "The

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question of whether or not the nuclear power plant is actually safe or not is beside the point.” One reason for the preference for civil cases is dissatisfaction with decisions such as this. There is sometimes also a desire to lock horns directly with the company constructing and operating the facility in question.

Other Cases

There have been court cases raised by former nuclear plant workers claiming damage compensation from their former employers, including power companies. There has also been a case filed by a former nuclear plant worker against the Labor Standards Supervision Office, claiming eligibility for workers’ compensation. This court case, raised by Ryusuke Umeda, is discussed in the News Watch section of this NIT (please see page 11).

On the other hand, an electric power company has filed a strategic lawsuit against public participation, in which the company, as a plaintiff, is claiming a large sum of money as damage compensation from defending individuals. Chugoku Electric Power Company, which plans to build Kaminoseki Nuclear Power Plant, is suing four individuals for damages to the amount of 48 million yen (later reduced to 39 million yen) because “they interfered with the preparation work required for plant construction.” The lawsuit was filed in the Iwakuni Branch of the Yamaguchi District Court in December 2009, and no ruling has been issued yet.

Post-Fukushima Court Actions

A noteworthy fact concerning the post-Fukushima court actions filed after March 11, 2011 is that administrative litigation along with civil cases has become more common. Civil cases demanding power companies stop running nuclear facilities, are filed alongside administrative cases demanding that the governmental Nuclear Regulation Authority (NRA) cancel operating licenses already granted, or affirm the invalidity of the license, or force power companies to stop using their nuclear facilities. While administrative litigation in the 1970s raised objections to the operating licenses and then proceeded to file lawsuits demanding the cancellation of the licenses, recent actions seem to opt for including the national government, calling it to court, along with the power companies.

On April 14, 2016, a lawsuit was filed in the Nagoya District Court demanding that the NRA not approve Kansai Electric Power’s operation of Takahama Nuclear Power Plant Units 1 and 2 beyond 40 years of service. If another power company applies for the continued operation of reactors older than 40 years, a similar lawsuit will be filed.

The plaintiffs are not only local residents or citizens. On April 3, 2014, the City of Hakodate, Hokkaido, filed a lawsuit in the Tokyo District Court, demanding that the construction and operation of the Ohma Nuclear Power Plant be suspended, its installment approval be annulled

and the Electric Power Development Company (J-Power), the would-be operator of the plant, be forced to stop its construction. The Ohma plant is being constructed in Ohma Town, Aomori Prefecture, just across the Tsugaru Strait from Hakodate. In another court case, a municipality was sued: on December 2, 2008, a lawsuit was lodged against Yamaguchi Prefecture by plaintiffs demanding it to annul the license granted for reclaiming public water bodies to prepare the premises for the planned Kaminoseki Nuclear Power Plant. The demand of the lawsuit has been changed to affirming the expiry of the license. The plaintiffs of this lawsuit include rare wild species in the local habitat: black finless porpoises (*Neophocaena phocaenoides*) and Japanese murrelets (*Synthliboramphus wumizusume*). Thus this lawsuit is called a “rights of all living nature litigation,” of which there are also others in process.

Use of Provisional Injunction Strategies

A principal lawsuit may take a long time. In addition, even if a lower court rules that the operation of a nuclear power plant be suspended, the plant actually does not stop until the ruling becomes final and binding in a higher court. While litigation is pending, a nuclear accident might occur, with disastrous results. To prevent this, a provisional injunction is filed to suspend operation of the nuclear facilities; if the court issues a provisional injunction, the operation can be stopped immediately even if the decision is issued by a lower court. The operation cannot be restarted until the company raises an objection to the same court and their objection is accepted, or until a higher court to which the company appeals when the lower court rejects the objection, overturns the injunction, or until the principal lawsuit rejects the demand for cancelling operation or construction.

A provisional injunction is a powerful order. If the injunction is overturned, however, the power company may claim compensation for the losses incurred by the suspension. Those who file for a provisional injunction are placed under psychological pressure because they may have to pay huge sums of money to the power company. Accordingly, in some cases, a small number of people who are aware of the possible damage compensation claim, apply for a provisional injunction, while a larger number of plaintiffs together file the principal lawsuit. In one case when a power company mentioned the possibility of claiming damage compensation, the National Network of Counsels in Cases against Nuclear Power Plants issued a letter of protest (Hiroyuki Kawai, one of the Networks Co-directors, is a member of CNIC’s board of directors, and Yuichi Kaido, the other Co-director, is a CNIC auditor).

Examples of Court Rulings and Judgments Ordering Facility Suspension

Regrettably, there have been no court cases in which a ruling or judgment that suspended the

operation of nuclear power plants or nuclear fuel cycle facilities, or affirmed the invalidity of a nuclear reactor installment approval, became final and binding. On May 21, 2014, the Fukui District Court delivered a judgment that KEPCO's Ohi Units 3 and 4 should be stopped (NIT No. 160), and the power company has appealed to the Nagoya High Court Kanazawa Branch, Ishikawa Prefecture. This is the only case in which a final ruling has not been established. Back on January 27, 2003, the same Kanazawa Branch delivered a ruling affirming the invalidity of the license for Japan Atomic Energy Agency's fast breeder reactor Monju (NIT No. 93), but the ruling was overturned by the Supreme Court on May 3, 2005. On March 24, 2006, the Kanazawa District Court issued a decision that Hokuriku Electric Power Company's Shika Unit 2, located in Ishikawa Prefecture, should not be operated (NIT No. 112), but this decision was reversed by the Nagoya High Court Kanazawa Branch on March 18, 2009.

Among the provisional injunction cases, the Fukui District Court issued an injunction on April 14, 2015 that KEPCO's Takahama Units 3 and 4 should not be restarted (NIT No. 166). However, on December 24 in the same year, accepting the company's protest, another panel of judges at the same court overturned the injunction. The three judges on the panel that reversed the injunction used to belong to the Supreme Court Secretariat, which is a gateway to elite judges. The May 2016 issue of the pro-nuclear magazine *Energy Forum* carried a revealing note: "Transferring such elite judges to the Fukui District Court was unprecedented."

As mentioned at the beginning of this article, on March 9, 2016, the Otsu District Court, Shiga Prefecture, issued a provisional injunction that Takahama Units 3 and 4 be stopped. KEPCO has lodged an appeal and the future of this injunction is unknown, but the units are not operating at present.

It is hoped that more decisions and provisional injunctions in favor of reactor suspension will be issued and that they will become final and binding. The March 15, 2016 edition of the *Denki Shimbun*, a pro-nuclear newspaper, expressed alarm regarding the court ruling on Takahama, stating: "Nuclear policy, the basis of energy security, may be suspended by the decisions of mere district courts." The newspaper said that we can expect more of these cases in the future, implying that this would lead to increased instability in the nuclear industry. The Otsu District Court's provisional injunction marked a new milestone, indicating that such judgments will perhaps become more common.

In addition, even in those cases where the residents/citizens have lost, they have managed to extract masses of useful documents from the power companies and government. We should also not forget that these court cases, via the mass media, have drawn attention to the issues and thus helped shape public opinion to become more critical of nuclear energy.

(Baku Nishio, Co-Director, CNIC)



Anti-nuclear activists celebrate a victory as the Otsu District Court issues a provisional injunction, shutting down the Takahama 3 and 4 reactors, 9 March 2016
(Photo courtesy of the National Network of Counsels in Cases against Nuclear Power Plants)

Interview with

Lalita Ramdas

Indian environmental activist

Lalita Ramdas, a former board chair of Greenpeace International and a founder of Greenpeace India, is also a senior member of the Coalition for Nuclear Disarmament and Peace (CNDP), an umbrella organization opposing both India's nuclear weapons and its nuclear power program. She was recently in Japan to attend the No Nukes Asia Forum as well as a number of other important events and meetings. She spoke with CNIC about her Japan trip as well as the necessity for closer communication and organization around nuclear issues between regions and countries.

Impressions of Fukushima

I'd read so much about Fukushima over the last five years but actually coming here and seeing it with my own eyes and speaking with so many people about what has happened to them and seeing the actions that people are taking has been a very meaningful experience. I am particularly grateful that we were able to spend two days meeting with local affected people and hearing their personal stories. It was also important for me to gain some sense of the history of Fukushima, that it was always cast in the role of supplying energy for the big cities, firstly in the form of coal. But when the coal mines were closed, people needed jobs and nuclear power was sold to Fukushima in the same way it is sold all over the world-- as energy for a bright future that would provide jobs and prosperity for otherwise struggling and impoverished villages. And of course there was the solemn promise, which everyone believed, that they would be completely safe. The magnitude of this broken promise was the beginning of a huge wave of distrust. The lies that followed the meltdowns only increased the feeling of betrayal and it was very obvious that all those we spoke to did not believe a word of the official information. The efforts that have been made by ordinary citizens to understand complex technical issues and to get their own information and apply it to their own circumstances is truly impressive. The state-of-the-art radiation testing site in Iwaki which we visited, stands as testimony to how much citizens can achieve with their own strength and determination.

The anti-nuclear movement in Japan

The fact that the movement in Japan has extended into mainstream society is obviously a major achievement. No Nukes Day, the demonstration we attended in Shibuya, Tokyo, felt like a festival, with a fun atmosphere where anyone could join in. But on the other hand, I also felt that there were divisions between activists and some of the citizens we met in Fukushima. Everyone is active in their own way, but I couldn't help thinking that more coordination between people would lead to more effective actions. Also, there seemed to be a lack of interest or curiosity about what is happening in other countries. No one who we spoke to in Fukushima really asked us about what was happening in India. I think it's important to realize



that Fukushima and Japan are not alone in facing nuclear power and radiation issues. This danger affects the whole of humanity and indeed all life on the planet and we really must work together and share our experiences and knowledge if we are to achieve meaningful change.

World Social Forum on Nuclear Energy

We were also able to attend some sessions of the World Social Forum on Nuclear Issues at the YMCA in Tokyo which were very interesting. The session on workers in nuclear plants made me realize how much work we need to do on this in India. Even in France and Korea, contract workers in nuclear plants are not given proper medical examinations or insurance, they work under terrible conditions and are highly exploited. I am concerned that the situation in India may be even worse, but we have very little direct contact with plant workers and we need to talk to the trade unions and others to see how we can involve these workers.

Towards increased regional solidarity

After the nuclear tests conducted by India and Pakistan in 1998, we organized the South Asia Yatra, a kind of pilgrimage, through India and Pakistan to protest the nuclearization of the two countries. There was a lot of international support for this action from various organizations, but since then we have tended to become more insular, finding that the best we can do is deal with our own numerous problems. That's why these kinds of events which bring together people from different

movements and countries are so important. We really need to be sharing experiences and information on a regular basis. There needs to be better regional structures in place which enable us to coordinate our actions, combine our strengths. Even utilizing the internet better would be a start, but to do this properly, we need to actually employ someone, even on a part time basis who can take responsibility for the day to day running of an Asian anti-nuclear coalition. Also, I felt a kind of lack of young people at many of the events I attended. There were a few at the demonstration, but we really need the youth of Asia to come together and be a major part of any coalition that we create. It is their energy which will carry it forward.

Meeting with Japanese bureaucrats

I am very glad that we were given the opportunity to meet with people from the Ministry of Foreign Affairs and the Ministry of Economy, Trade and Industry and discuss the export of nuclear technology to India and Turkey. Of course bureaucrats are representatives of the government and we can't expect them to do anything except tow the government line. Thus, to our question about why Japan was considering exporting nuclear technology when the Fukushima nuclear disaster was still ongoing and Japan especially is so aware of the risks, the response was that Japan was simply responding to requests from the governments of India and Turkey. Both have plans to expand their nuclear power generation, and if they don't get this technology from Japan, they will get it from somewhere else, so Japan is offering these governments what they want. Moreover, according to the bureaucrats, Japanese technology has made improvements after learning the lessons of Fukushima, so the technology to be exported will also have benefited from this

experience, thus increasing safety. To this, one of our Japanese colleagues replied that surely the lesson of Fukushima is that nuclear power generation is never completely safe, that safety was a myth which we should never again believe and we should certainly not try to make other countries believe it just to increase profits for Japanese corporations.

Of course the nuclear cooperation agreements are signed between governments, but I believe that it is still important that bureaucrats, who are negotiating and implementing these agreements, understand what the people, rather than the governments, think of all their hard work. Apparently the Ministry of Foreign Affairs was under the impression that the people of Sinop, the site in Turkey selected for a Japanese nuclear power plant, were largely in favor of receiving the plant. Our colleagues from Turkey corrected them on this very mistaken belief. We also told them of the strong opposition to nuclear power by grass root groups in India, as well as the brutal repression these people were suffering at the hands of the government. They shrugged off all responsibility for this, saying it was an internal issue of the Indian government in which they could not interfere.

Despite the bureaucrat's intransigence, I was very impressed with the opposition to nuclear power amongst Japanese Diet Members and the Parliamentary Group Zero-no-kai. I hope we can convince some Indian MPs to be as vocal and public in their opposition to nuclear power. I also hope we can arrange some exchanges on this political level between our two countries in the future.

(Interviewed by Caitlin Stronell, CNIC
Photos by Ryohei Kataoka, CNIC)



At the No Nukes Asia Forum with women from Fukushima, from left: Ruiko Muto, Keiko Sasaki, (Lalita), Masumi Kowata, Aki Hashimoto

Report on International solidarity symposium for exposed nuclear plant workers

A symposium on “The current situation of exposed nuclear plant workers in France, Ukraine, South Korea and Japan” was held on March 27, followed by an “International solidarity symposium for seeking the rights of exposed workers” on March 28. These events were organized as a working session and related symposium of the World Social Forum on Nuclear Energy, held at the YMCA, Tokyo, from March 23 to 28, 2016. A total of around 300 people took part in the symposiums and heard reports from foreign nuclear workers.

The problems radiation-exposed workers face are shrouded in darkness in many countries and are not clearly recognized as one of the problems involving nuclear power plants. In the working session on March 27, the speakers reported on the current situation of such workers in their own countries and the participants identified common problems from those reports.

The first speaker was **Dr. Annie Thebaud-Mony**, a French sociologist specializing in work safety and workers’ health problems. She began her report by showing a video titled “Nuclear-related

work today.” Thebaud-Mony pointed out that the risk of death from cancer amongst the workers participating in the Manhattan Project, the U.S. research and development project that produced the first nuclear weapons during World War II, had been ten times higher than that of ordinary workers. She also maintained that current health examinations for nuclear plant subcontracted workers and uranium miners are insufficient in many countries, as are the health examinations for liquidators, or clean-up workers of the 1986 nuclear accident at the Chernobyl Nuclear Power Plant (NPP) in Ukraine.

The next speaker was **Philippe Billard** from France, who is a nuclear plant subcontracted worker himself and has waged many legal battles for such workers by setting up a supporting organization. He reported that the subcontracted workers at French nuclear plants are being forced to perform hard work in severe conditions under the multiple-layer sub-contracting system, just like their counterparts in Japan. He insists that a great number of nuclear workers are suffering from



Speakers from Japan and Ukraine: from left Minoru Ikeda, Chernobyl liquidators Mykola Voznyuk (interpreter) and Valentyn Germanchuk. March 27, YMCA, Tokyo
(Photo by Yasuko Nakamura, Radiation-exposed Workers' Solidarity Network)

illnesses or general poor health but that the French authorities claim that their health problems have not been caused by their exposure to radiation. This issue therefore, is little known among the French public, he added.

Next, two people from Ukraine spoke about their situation. One of them was **Valentyn Germanchuk**, a liquidator who was 36 years old when the Chernobyl accident occurred. At that time he operated the decontamination equipment for Units 3 and 4 turbine steam. The other was **Mykola Voznyuk**, who was a 27 year old military security officer, charged with management of the workers and procurement of emergency goods. They claimed that they had been healthy before they began participating in the clean-up operation but immediately afterwards, they began to experience deteriorating health including heart conditions and problems with other body systems.

They suffered from various illnesses, such as hypertrophic heart, strong chest pains, high blood pressure, erratic pulse and disorders of the thyroid, duodenum and kidneys. They also experienced deformation of their knee joints. They said they had obtained official disability certificates. Nevertheless they had received hardly any of the compensation stipulated under the Chernobyl-related law, and were living in poverty while continuing to struggle with health problems. The two speakers called for nuclear power generation to be abandoned because of its extremely serious impacts on the general public. They stressed that any amount of compensation would be insufficient for such damage.

The speaker from South Korea was **Kim Jichong**, who was engaged in water treatment work at the Hanul NPP in the Gyeongsangbuk-do Province of South Korea and is currently the head of the Nuclear Plant Waste Water Business Association. He reported on the employment situation of nuclear plant workers in his country, commenting that among the OECD countries, South Korea had the highest percentage of temporary workers in nuclear plants, and that their average wage was merely 47.9% of regular worker's wages. In protest against this gap, the workers' union, which organizes 80% of South Korea's nuclear plant workers, is demanding that the government rectify this unfair situation.

The last speaker was **Minoru Ikeda** from Japan. He was previously engaged in decontamination work in Namie Town, Fukushima prefecture, and later, the accident clean-up operation and decommissioning work at Tokyo Electric Power Co. (TEPCO)'s Fukushima Dai-ichi NPP. He reported that the wages and accommodation for decontamination workers were better than those for nuclear plant workers because the decontamination job was offered by the state. However, for the clean-up operations organized by TEPCO, a private company, the wage calculation method was unclear,

and he received only 4,000 yen of the 20,000 yen additional wages paid to subcontractors by TEPCO as danger pay. On the other hand, he said, safety exposure-dose management for the clean-up workers was stricter, while safety measures for decontamination workers were inadequate. He claimed that the limited safety measures taken by the state for decontamination workers included little beyond supplying radiation protection masks. He said the workers had to procure work outfits and shoes on their own. He noted that the decontamination workers went home wearing their dirty, contaminated outfits after work.

The next day, March 28, the panelists from the previous day's session and forum participants discussed what direction activists' efforts should take to support nuclear workers and whether international solidarity could be achieved among supporting organizations and groups.

The Ukrainian clean-up operation workers, **Germanchuk and Voznyuk**, recalled the Chernobyl accident while showing photos of the nuclear disaster. They pointed out that the nuclear plant had structural problems. The accident occurred, despite the experiment being conducted as scheduled, they said. They condemned the former Soviet Union officials who asserted that the accident had been caused by human error and that the plant workers were responsible for it. The two workers expressed anger at the officials' attitude of pinning all the blame for the accident on the plant's workers. They also claimed that they and many other workers had been forced to perform the clean-up work without protective gear and gas masks in an extremely radioactive environment where levels had occasionally exceeded the dosimeter's scale. They went on to say that these government officials had entered dosages much lower than the actual levels, in the workers' radiation dose management notebooks, and that this happened in front of their very eyes. Such a scenario could well be the future of nuclear plant workers across the world, perhaps indicating that the Chernobyl accident and its clean-up operation should continue to be closely monitored.

Billard from France proposed some demands that should be presented by nuclear plant workers from each participating country, based on their reports the previous day. All of the proposed demands appeared to be concrete and of great importance, including the abolishment of subcontractor employment systems at nuclear plants; establishment of life-long health management systems for nuclear workers; expansion of the number of nuclear workers to be covered by nuclear worker compensation systems; and a policy shift from decommissioning nuclear plants, which exposes workers to heavy radiation doses, to long-term strict management of nuclear facilities.

Im Dongin, from South Korea reported on issues such as radiation dose management for nuclear plant workers. He heads an association of labor unions formed by workers engaged in radiation dose management at the Hanul NPP. He claimed that there was a wide gap between wages and welfare benefits received by radiation dose management workers and those paid to the electric power company's regular employees. This is because radiation dose management is outsourced and companies receiving contracts change every several years, meaning the workers' employers also change. He said this situation resembled that of the water-treatment workers reported by Kim the previous day. Although the radiation-dose management workers lacked rights initially, they later organized labor unions and jointly fought to improve their working conditions. Recalling the hardships they had to undergo in their struggles, at times his eyes were filled with tears.

Japanese speaker **Minoru Ikeda** had received the greatest number of questions from participants the previous day. He noted that Japanese nuclear plant subcontracted workers have no labor unions, and lack means of expressing their anger or complaints under current circumstances.

At the end of the session, Nasubi, the chairperson of this symposium and a member of the Radiation-exposed Workers' Solidarity Network, summed up the main points of the reports and discussions, making the following proposals based on them.

- 1) Developing international exchanges of nuclear workers through data collection and information sharing.
- 2) Strengthening international solidarity with and support for "liquidators or clean-up workers" in Ukraine.
- 3) Taking joint actions internationally to help exposed workers gain rights.

The panelists and other participants expressed their support for his proposals by applauding.

The reports and discussions held during the two-day event revealed that the current situation and the way of thinking of nuclear workers in the four participating countries differed from each other. However, they also face a common problem—that they have yet to formally obtain workers' rights and compensation. The symposium, filled with enthusiasm and passion, concluded with participants confirming that they would promote international joint actions while striving to deepen their mutual understanding.

(Mikiko Watanabe, Radiation-exposed Workers' Solidarity Network)



*Kim Jichong speaks at the second symposium along with Im Dongin, Minoru Ikeda and Phillippe Billard. March 28, YMCA, Tokyo
(Photo by Yasuko Nakamura, Radiation-exposed Workers' Solidarity Network)*

Group Introduction

NO to nukes at Kaminoseki YES to Seto Inland Sea Nature Conservation Citizen's Network (Kaminoseki Dousuru Net)

by Yasuko Fujimura*

Activities

Kaminoseki Dousuru Net was founded in November 2009. In September of that year, marking 27 years since the Kaminoseki NPP construction plans emerged, the Chugoku Electric Power Company made a big push forward, starting reclamation work in a marine area planned for the construction of the nuclear plant.

This provoked a sense of crisis, with opposition voiced from as far away as Tokyo. Hoping to spread this concern, people who had become acquainted with each other through previous citizens' movements called each other up, got together and launched activities.

When Kaminoseki Dousuru Net was founded, few in Tokyo knew about the problems with the Kaminoseki NPP construction plans, but those who did, knew about them very well. After the March 2011 earthquake disaster, interest in these issues spread, but even now not very many people know about Kaminoseki so we are working hard to inform many people, with the goal of halting construction.

We have been engaged in the following five activities, which were decided after discussing, adopting and implementing members' proposals:

- (1) Holding events and parades every year, thereby garnering much support from groups and the general public who become aware of and concerned about the Kaminoseki NPP construction plans.
- (2) Producing leaflets that make clear at a glance the rich natural environment of the planned construction site and the history of the opposition movement.
- (3) Cooperating with signature drives opposing the Kaminoseki NPP construction plans.
- (4) Lobbying Diet members and holding meetings at the Diet.
- (5) Publishing a newsletter for Diet members

History of the Opposition Movement to the Kaminoseki NPP Construction Plans

- (1) Ever since the Kaminoseki NPP construction plans first emerged in 1982, there has been deep-rooted opposition from local citizens, first of all the inhabitants of Iwai Island, located 3.5 kilometers offshore from the planned nuclear plant construction site, that has prevented the plans from going forward.
- (2) The Chugoku Electric Power Company started steamrolling ahead with reclamation work in Tanoura and other marine areas in February 2011.



Kaminoseki Dousuru Net held a public lecture and parade in Tokyo on May 14, attended by about 200 people. Popular anti-nuke character Zero-no-Mikuma also joined the parade.

- (3) The Great East Japan Earthquake Disaster on March 11, 2011, resulted in the Fukushima nuclear accident. Construction has been discontinued at Tanoura ever since.

Concerns about the Natural Environment and the Nuclear Plant at Kaminoseki

- (1) The planned construction site of the Kaminoseki NPP is at the western inlet to the Seto Inland Sea. If construction goes ahead, the natural environment will be affected by the influx of warm water discharged by the plant and flowing into the Seto Inland Sea. This is causing great concerns about the design.
- (2) Research conducted by the Citizen's Association to Protect the Nature of Kaminoseki has shown that not only the planned Tanoura landfill site but the broader marine region is a biodiversity hotspot in the Seto Inland Sea.

*Kaminoseki Dousuru Net, Lobbying Team Leader

NEWS WATCH

Establishing a liaison for exports to China

In an article dated March 23, *The Denki Shimbun* (a Japanese daily newspaper covering energy and electricity) reported that Japan's nuclear energy industry had teamed up to organize a system for exports to China and were floating the idea of setting up a consortium. Coordinating with efforts by China National Nuclear Corp. (CNNC) to create a supply base for nuclear power equipment and parts in Hayan County, Zhejiang Province, their idea is to establish a joint venture with a Chinese corporation in that area to import to the Chinese market. A delegation organized by the Japan Engineers Federation is said to have visited Hayan County in April and held talks with the CNNC and Hayan County People's Government.

China's rush to build nuclear power plants continues and they are also trying to expand their own exports. Many Japanese small-to-medium sized firms, wanting to take part in this business opportunity, are keen to export nuclear plant parts to China, but they hesitate because of the complicated contractual procedures and the burden some negotiations with the Chinese. To facilitate these matters, the consortium being established under the tentative name of "International Nuclear Power Equipment & Components" aims to serve as a liaison and smooth the way for making inroads into the Chinese market.

As tremors in Kumamoto and Oita continue...

The earthquakes that started on April 14 in Kumamoto Prefecture, Kyushu, with a magnitude of 6.5, followed by one of 7.3, are continuing. The tremors frequently reach up to magnitude 5.9, some of which have been centered in the adjoining Oita Prefecture. These have resulted in enormous damage, including landslides, and it is feared that there may be more large aftershocks or induced seismicity in the future, with the possibility of increased volcanic activity.

Located nearby are Shikoku Electric Power Company's Ikata NPP and Kyushu Electric Power Company's Genkai and Sendai NPPs. Sendai Units 1 and 2 are the only reactors currently in operation in Japan, and the earthquakes' occurrence within a stone's throw of Kagoshima Prefecture might be considered to have some kind of mystical significance.

The Nuclear Regulation Authority (NRA) held a special session on April 18 to discuss conditions at the nuclear facilities. They couldn't have overlooked public opinion in favor of halting the Sendai reactors; and of course, many were expressing concern over the Ikata NPP, located on an extension of the Median Tectonic Line traversing Japan, along which the earthquakes have been occurring.

Regrettably, their conclusion was that under the conditions at that time there was no need to halt the reactors at the Sendai NPP. However, when a series of strong tremors continues as it has in Kumamoto and Oita, with tremors also extending into distant areas, if an accident were to occur at one of these nuclear plants, efforts to bring the situation under control inside and outside the facilities could be impeded, and evacuation of residents, already a difficult prospect, could be made even harder. Such factors were not considered at all by the NRA in its examination of compliance with the new regulatory standards.

Experts contradict each other completely regarding the effects of the tremors on volcanism and the spread of the seismic focal region. We must bear in mind once again that more remains unknown about earthquakes than known.

Suit filed to prohibit operation of Takahama reactors beyond 40 years

Kansai Electric Power Company (KEPCO) filed requests with the NRA on April 30, 2015, seeking permission to extend the operating period of Takahama units 1 and 2 by 20 years. 41 years have elapsed since operation of Unit 1 (PWR, 826 MW) began, and more than 40 years in the case of Unit 2 (also PWR, 826 MW). Japan's Nuclear Reactor Regulation Law was revised in 2012, making the operating period for nuclear reactors 40 years as a general rule. If a petition is made to the NRA for approval, however, and approval is granted, this can be extended for a maximum of 20 years one time only. Reactors already exceeding 40 years in operation would be considered to have operated 40 years as of July 7, 2016, three years after the revisions went into effect. This is why KEPCO has filed the requests for approval.

Such extensions, though, are supposed to be the exception, so on the premise that approval should not be granted easily, about 80 citizens of Fukui, Aichi and other prefectures filed a suit in the Nagoya District Court in Aichi Prefecture on April 14 seeking an injunction against approval of these extensions. A number of lawsuits have been filed regarding nuclear plants (see pages 1-3), but this is Japan's first lawsuit seeking to prohibit approving extension of operating periods.

Actualizing sub-seabed deep geological disposal

The Agency of Natural Resources and Energy submitted a draft report on April 19 to the third meeting of the Study Group on Technical Issues Associated with Geological Disposal in Coastal Areas. The report deems the realization of this type of disposal of radioactive waste is possible. Excavation would proceed from land, it says, so it would not be in violation of the London Convention and Protocol prohibiting disposal of radioactive wastes at sea.

Upon learning of these conclusions, the mayor of Genkai Town, Saga Prefecture, where the Kyushu Electric Power Company's Genkai NPP is located, was reported to have changed his mind regarding insufficient space in his town for creating a high-level radioactive waste disposal site (*Mainichi Shimbun*, April 27, 2016). Reactions to his comment are growing, within the town and beyond, but the mayor denies any intention to invite such developments.

Fukushima Fishermen Opposed to Proposed Release of Tritium into Ocean

At a meeting of the Tritiated Water Task Force of METI's Committee on Countermeasures for Contaminated Water Treatment held on April 19, a comparison was made of disposal methods for tritium remaining in water from the Fukushima Daiichi NPP after multi-nuclide removal. As a result of calculating the requirements for deep geological injection, oceanic release, evaporative atmospheric release, electrolyzed atmospheric release and cementation with land burial, it was found that oceanic release would require the least amount of time and enable low-cost disposal. However, everyone from the head of the Fukushima Prefecture Federation of Fisheries Cooperatives to the leaders and membership of the member fisheries unions unanimously opposed this, and the prefecture has requested that the matter be handled with care.

Unfair Judgement in Umeda Trial

The Fukuoka District Court, on April 15, rejected a suit filed by former nuclear plant worker Ryusuke Umeda, a Fukuoka resident, seeking workers' compensation. Umeda was involved in work on piping as part of periodic inspections at

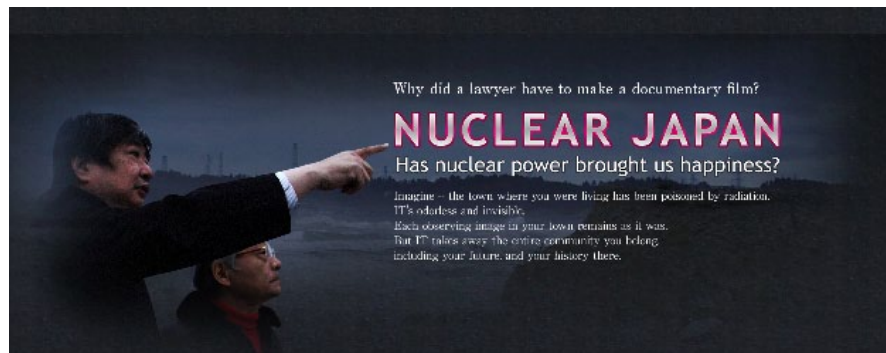
the Shimane and Tsuruga NPPs in 1979. After completing the inspections, Umeda suffered nosebleeds, nausea, vertigo and general malaise of unknown origin, and testing at Nagasaki University confirmed internal exposure to cobalt, manganese, cesium and other radionuclides. He received a miniscule amount of compensation from his former subcontractor company, but having been deprived of his health, Umeda had to give up the career he had proudly pursued as a plumber.

Umeda suffered a myocardial infarction in 2000 and resolved to apply for workers' compensation for occupational injuries, but this was denied (see NIT No. 139). He then filed suit in the Fukuoka District Court in February 2012. In the course of nearly four years of deliberations, testimony by Umeda and other similarly exposed laborers has revealed the conditions nuclear plant workers had to deal with then, more than 30 years ago (see NIT No. 168).

The Fukuoka District Court, however, refused to consider the testimony of Umeda and other nuclear plant workers. The court completely denied the fact of falsification of the workers' dose records, and recognized Umeda's recorded dose level of 8.6 mSv, denying a causal relationship between that and his myocardial infarction. Proceedings have moved on to the Fukuoka High Court, with Umeda determined to continue his battle for as long as he lives for the sake of other workers, who are being exposed even now in Fukushima.

Film Review:
NUCLEAR JAPAN
-4 years after
 Directed by
Hiroyuki Kawai

Reviewed by Caitlin Stronell, CNIC



Hiroyuki Kawai is one of Japan's top lawyers fighting legal actions against nuclear power. Apart from being a member of CNIC's board of directors, he is the Co-Director of the National Network of Counsels in Cases against Nuclear Power Plants, and has taken on lawsuits against NPPs since the mid 1990s. He is also a film director, having produced the first version of *Nuclear Japan* in 2014, he released an updated version in 2015. An English version of *Nuclear Japan: 4 years after* is available and Kawai encourages people around the world to hold screenings in their country (details are available at the official website <http://www.nihontogenpatsu.com/english>).

The film is two hours, fifteen minutes long and very dense. It is full of detailed information not only about lawsuits, but also technical information on how nuclear reactors function--and malfunction, safety regulations, the economics and politics of the nuclear industry in Japan, the problems with nuclear waste and the possibilities of renewable energy. He interviews a wide range of experts, including Hiroaki Koide, lecturer at Kyoto University, Tetsunari Iida, Director of the Institute for Sustainable Energy Policies and Shigeaki Koga, a former public servant who worked in the Ministry of Energy, Trade and Industry (METI).

Along with all the technical information the film also movingly portrays the impact of nuclear energy on human lives. Kawai's interview with a volunteer fireman, who was engaged in rescue operations immediately after the earthquake and tsunami in Namie Town close to Fukushima Daiichi, shows how, unable to enter the area due to the 10 kilometer evacuation order issued by the government on the morning of March 12, he was "basically forced to stand by while those people (trapped in the rubble) died." In April 2011 when people were finally allowed in, they recovered 180 bodies in advanced stage of decomposition. The Mayor of Namie at the time, Tamotsu Baba, also weeps as he is interviewed by Kawai, telling how in fact the radiation levels along the shore were

relatively low, so rescue workers could have gone in and saved those lives if it weren't for the evacuation order. Despite the strong emotions, which the viewer also feels when watching these interviews, one realizes that this is how a lawyer collects evidence, how he proves it is a lie that the Fukushima Daiichi accident didn't kill anyone.

Indeed the film has been presented in court as evidence and while so much information on so many complicated issues in such a long movie, can sometimes be a little overwhelming, if seen in this light, Kawai's message and intention becomes easier to understand. The film contains powerful evidence, for example, in the form of the teleconferencing which took place between the TEPCO head office and manager, Masao Yoshida. The actual voices of the officials can be heard as they discuss evacuating workers from the stricken plant as radiation levels were rising to life-threatening levels. One can see very clearly, from this presentation of evidence, how close Japan actually came to complete ruin, and how the TEPCO officials reacted to this dire situation.

Kawai's message, however, is essentially positive. He believes that the Fukushima disaster has increasingly forced the courts and the judges to expose the lies of the government and the nuclear industry, as well as take responsibility for the huge damages caused. The film shows Kawai flashing V for Victory signs outside the Fukui District Court, which had just handed down a judgment suspending operations of the Ohi NPP.

Victories in more recent court cases would also suggest that Kawai's optimism is not unfounded, although it remains to be seen just how far the judiciary has changed and how much power it will be allowed to exercise. This film is an impressive presentation of evidence supporting the case against nuclear power and tells a compelling story of the Fukushima nuclear disaster from the point of view of a lawyer. The English version will hopefully allow a wider audience to access Kawai's work and message.

Nuke Info Tokyo is a bi-monthly newsletter that aims to provide foreign friends with up-to-date information on the Japanese nuclear industry as well as on the movements against it. It is published in html and pdf versions on CNIC's English website: <http://cnic.jp/english/>

Please write to us at cnic@nifty.com if you would like to receive email notices when new editions are published.

Editor: Caitlin Stronell

Translators: Sumie Mizuno, Mayumi Nishioka, Pat Ormsby

Proofreaders: Pat Ormsby, Yukio Yamaguchi