

# GREEN ACTION

グリーン・アクション

Japanese court rejects plaintiff demand to shut down Ohi Units 3 and 4  
Plaintiffs will immediately appeal ruling

Court recognizes interaction of 3 earthquake faults near Ohi  
but declares Ohi prima facie<sup>1</sup> safe (safe for now unless proven otherwise)

Court states there is no legal time limit for shutting down reactors  
in the event of an accident/earthquake

## Press Release

*For Immediate Release (Kyoto, Japan): 16 April 2013*

Contact: Aileen Mioko Smith +81-90-3620-9251 (co-lead plaintiff)

For Japanese statement issued by plaintiffs' group see:

[http://greenaction-japan.org/internal/130416\\_statement.pdf](http://greenaction-japan.org/internal/130416_statement.pdf)

The judgment in the legal case against the only two nuclear power plants currently operating in Japan, Ohi Nuclear Power Station Units 3 and 4, owned and operated by Kansai Electric Power Co., Inc. (KEPCO), was handed down today by the Osaka District Court, rejecting the plaintiffs' demand for a provisional disposition (injunction) to shut the plants down.

The legal judgment today is the first civil court ruling on nuclear power operation since the March 2011 Fukushima Daiichi nuclear power plant accident.

Ohi Units 3 and 4 are currently operating without new post-Fukushima standards in place.

There are three active earthquake faults in close proximity to the Ohi nuclear power plant site and numerous shattered zones (earthquake faults) directly under the site, one being suspected to be an active fault. An expert investigation is still in progress. Pre-Fukushima seismic safety standards do not allow for nuclear facilities above suspected active faults.

Plaintiffs have decided to immediately appeal the ruling.

The court, although recognizing the necessity to consider safety issues if the 3 earthquake faults very close to Ohi interconnect, declared the following:

- There is no legal regulatory limit for shutting down reactors (regulation for control rod insertion time), and the 2.2 seconds specified in the licensing permit is only a value for the purpose of undertaking safety analyses.
- Ohi is prima facie safe (safe until proven otherwise).
- There is a high probability that the movement of the ground under Ohi where many earthquake faults exist was caused by a landslide and not an earthquake

"The court ruling is stating there is no legal requirement in Japan to meet the first golden rule of nuclear safety, the ability to shut down a reactor within the required time in the event of an accident/earthquake. This is not true. Ohi received its licensing permit on the premise that it met this shut down time limit. The Fukushima Daiichi accident would have been much worse if the reactors had not shut down properly on 11 March 2011. It's a travesty that after Fukushima, a court would say that Ohi is prima facie safe until it's proven otherwise," stated Aileen Mioko Smith<sup>2</sup>, executive director of Green Action and co-lead plaintiff of the lawsuit.

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<sup>1</sup> Prima facie showing: accept as correct unless proven otherwise. The Japanese word is "somei" which means, "it is not confirmed, however it is something that enables the judge to hypothesize that something appears to be true."

<sup>2</sup> Aileen Mioko Smith, executive director of Green Action and Hideyuki Koyama, director of Osaka-based Mihama no-Kai are lead plaintiffs in the case.

The lawsuit, which sought a provisional disposition to shut down Ohi Units 3 and 4, was filed in Osaka District Court on 12 March 2012 by 262 residents of Fukui, Gifu and six other prefectures in the Kansai region.

For more details on the lawsuit see:

[Will Japan Repeat the Fukushima Disaster?](#)

[Lawsuit\\* Verdict This Week May Provide Answer](#)

[http://www.greenaction-japan.org/internal/130403\\_Press\\_Briefing\\_Ohi\\_Lawsuit.pdf](http://www.greenaction-japan.org/internal/130403_Press_Briefing_Ohi_Lawsuit.pdf)

For technical details on the lawsuit see:

The points of issue in the legal case against Kansai Electric Power

Co., Inc. (KEPCO) by citizens seeking a provisional disposition

(injunction) to stop the operation of Ohi Nuclear Power Plant Unit 3 & 4

[http://www.greenaction-japan.org/internal/130405\\_stop\\_the\\_operation\\_of\\_Ohi\\_en.pdf](http://www.greenaction-japan.org/internal/130405_stop_the_operation_of_Ohi_en.pdf)

*U-Stream at courthouse (16 April)*

In Japanese:

<http://www.ustream.tv/recorded/31531499>