

Public Participation in the Nuclear Field in Japan

FNCA 2018 Study Panel

Session 3:

Legal Framework of Public Participation
(National Perspective: Japan)

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Legal Framework of Public Participation ①

- ▶ Administrative Procedure Act (1993)
 - ▶ Holding of Public Hearings, etc. (Article 10) ❌ Effort Obligation
Administrative agencies, when rendering dispositions upon applications, shall endeavor to provide opportunities for the opinions of interested persons other than the applicants to be heard, by holding public hearings or by other methods.
 - ▶ Public Comment Procedure on Administrative Orders (Article 39)
- ▶ Environment Impact Assessment Act (EIAA) (1997)
 - ▶ Hearing of Opinions on a Consideration Document, on a Scoping Document and on a Draft Environmental Impact Statement (Article 3-7,8 and 18)
❌ Hearing of Opinions on Consideration Document is Effort Obligation
- ▶ Public Participation under individual acts
 - ▶ Example: Hearing of Opinions under the Specified Radioactive Waste Final Disposal Act (Final Disposal Act, FDA) (2000)

Legal Framework of Public Participation ②

- ▶ Public Hearing and/or Public Comment by individual ministries and government offices ❌ No legal obligation
- ▶ Public Participation in local governments
 - ▶ Public Hearing held by regional council (Local Autonomy Act (LAA), Article 115-2)
 - ▶ Public Hearing under local ordinance
 - ▶ Referendum under local ordinance
- ▶ Others
 - ▶ Nuclear Safety Agreement
 - ▶ Injunction Lawsuit

Public Participation in Decision-Making on Nuclear Policy

- ▶ Public Comment on the Draft Report on the Basic Energy Plan (by Agency for Natural Resources and Energy)
- Past Public Participation (by Japan Atomic Energy Commission)
 - Round-Table Conference on Nuclear Energy Policy (1996-1999)
 - Public Comment and Public Hearing on the Draft Report of Fast Breeder Reactor Conference (1997)
 - Public Comment and Public Hearing on the Draft Long-Term Plan for Nuclear Energy (2000, 2004)
 - Public Comment and Public Hearing on the Draft Framework for Nuclear Energy Policy (2005)
 - Round-Table Conference for Public Participation (2001-2009)

Public Participation in Site Selection of NPP

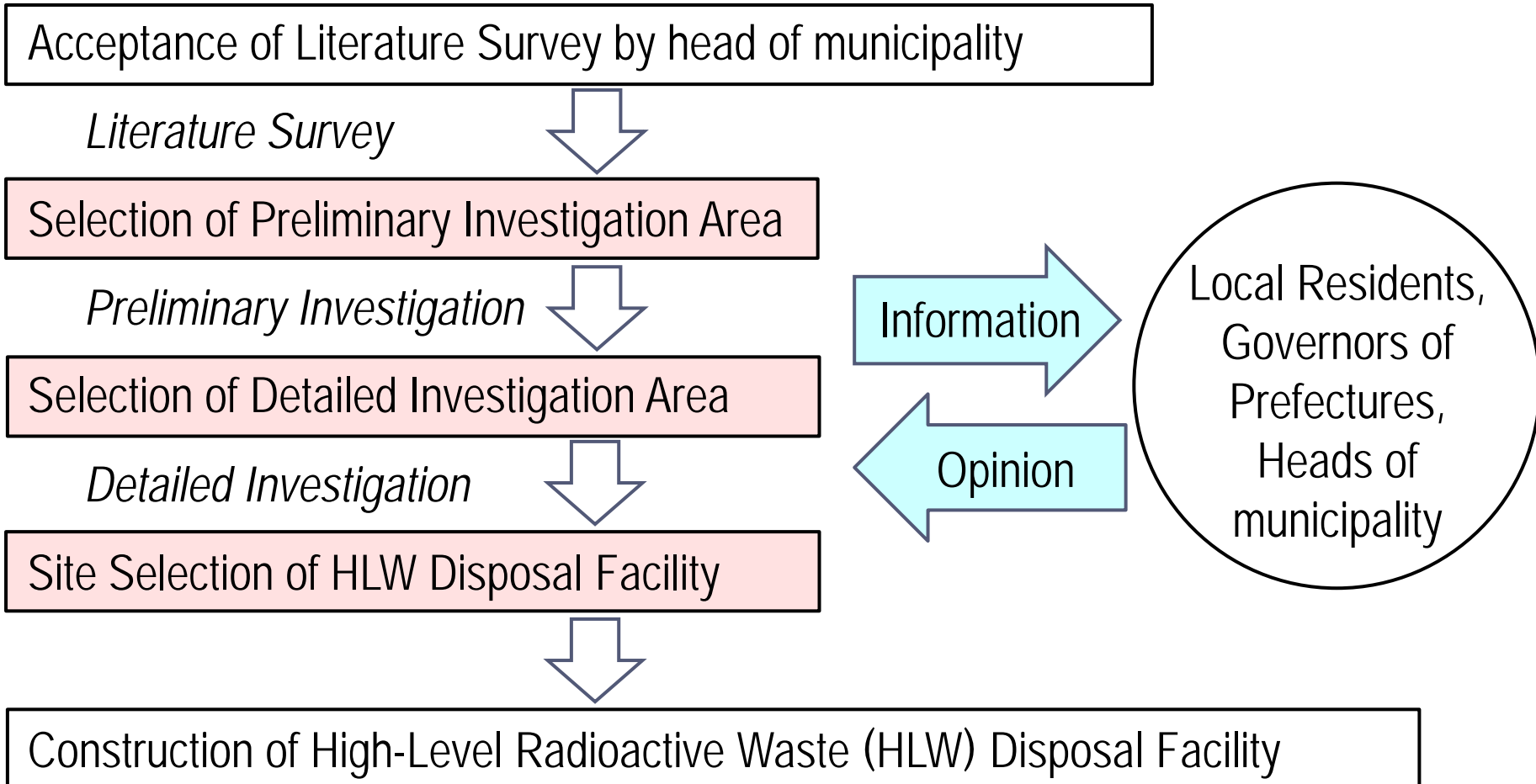
- ▶ Public Participation under the EIAA
 - ✘ Environmental impact of only NPP construction
- ▶ Public Hearing on Site Selection of Nuclear Power Plant (by Ministry of Economy, Trade and Industry)
- Past Public Participation
 - Public Hearing under the LAA (Iwanai Town, 1972)
 - Public Hearing under the local ordinance (Yamaguchi Prefecture, 1999)
 - Referendum under the local ordinance (Maki Town, 1996)
 - Referendum under the local ordinance (Miyama Town, 2001)

Public Participation in Licensing of NPP

- Installation of Nuclear Reactor
 - ▶ Public Hearing on Installation of Nuclear Reactor (by Japan Atomic Energy Commission)
 - ▶ Public Hearing on Safety of NPP (by Nuclear Safety Commission) ❌ **Current: Nuclear Regulatory Commission**
- Alteration of Nuclear Reactor Installation
 - ▶ Public Comment on Conformity Review on the New Regulatory Requirements for NPP (by Nuclear Regulatory Commission)
 - Past Public Participation
 - Referendum under the local ordinance (Kariwa Town, 2001)

PP in Site Selection of Final Disposal Facility

- ▶ FDA (Article 4-5) and Ordinance for Enforcement of FDA (Article 5-14)



Thank you for your kind attention.