

Japan Gov't retains nuclear power promotion organization, lacks third-party oversight body for nuclear secrets

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Japan has no third-party oversight body for nuclear secrets

There has been no third-party body in Japan for nearly 15 months to check the validity of the designation by the central government and nuclear plant operators of information related to nuclear power facilities as secrets, it has been learned.

No third-party oversight body has been set up since the establishment in September 2012 of the Nuclear Regulation Authority (NRA). This means that the government and nuclear plant operators have decided what should be made secret behind closed doors with no external checking functions. While the recently enacted state secrecy law poses serious questions over the way in which the government is to designate information as “special secrets,” the latest revelation is likely to call into question the government’s stance toward a third-party oversight body.

In response to growing global threats of terrorism, Japan revised the Nuclear Reactor Regulation Law in 2005 to require power companies to set up rules to protect nuclear materials and designate information related to the security of nuclear facilities as “secrets.” The rules apply to information related to equipment designed to prevent attacks on facilities and thefts of nuclear materials, emergency contact systems and management of doorways at facilities and so on.

Under the revised law, the government conducts inspections once a year to confirm whether designation of information as secrets is appropriate and such secrets are not subject to the Freedom of Information Act. If nuclear plant operators and administrative officers leak such information, they will face up to one year in prison or fines of up to 1 million yen.

Meanwhile, according to the NRA’s secretariat, the Nuclear and Industrial Safety Agency (NISA), the NRA’s predecessor, set up a nonbinding oversight committee on protection of secrets related to nuclear materials, which consisted of university professors, lawyers and the like. The panel was established because of concerns arising during Diet deliberations that nuclear-related information could be designated as secrets freely by the government and nuclear plant operators and outsiders had no way of knowing what were made secrets. The oversight panel had held a meeting almost every year since 2005 to check whether information was designated as secrets beyond necessity.

However, when the NISA was replaced by the NRA in September 2012 — after the March 2011 Great East Japan Earthquake — the oversight committee was abolished. What should be done over a

third-party body has been left up to the NRA and no discussions have been made on the issue ever since. Because of all this, the NISA and the NRA confirmed designation by nuclear plant operators of information as secrets at a total of 60 nuclear facilities in fiscal 2012, but the secrets were not checked by a third-party body, sources say. The NRA secretariat has not revealed the number of secrets, saying, "We have not counted them."

There was not a case in which the oversight committee had not judged in the past that information was improperly designated as a secret, but in its last meeting held in March 2012, the panel screened 380 pieces of secret information, sources say.

The NRA secretariat's nuclear security office says, "We recognize the need for third-party checking. Although it could be judged that inspections by the NRA (which is highly independent from the Cabinet) are sufficient and it is not necessary to set up a third-party body, we are tied down to other duties so that no discussions have been made at the NRA."

Masahiro Usaki, professor at Dokkyo Law School, said that it is difficult for the NRA to play the role of an oversight body, which consists of experts on information disclosure and crisis management, because it is tasked mainly with handling technical problems although it is highly independent of the government. He said a third-party oversight body should be established as soon as possible. "The government is negligent in its duties because it has left secret designation up to electric power companies even though the public has lost confidence in nuclear power," he added.

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Gov't to retain nuclear power promotion organization

The government is likely to retain an organization to promote atomic energy despite calls to end Japan's reliance on nuclear power following the outbreak of the Fukushima nuclear crisis in 2011.

A government panel of experts released a report on Dec. 5, recommending either that the Atomic Energy Commission (AEC) of the Cabinet Office be retained after its organization is downscaled or that a new body to replace the AEC be set up.

Specifically, the report states that the reformed AEC or a new organization should work on the peaceful use of atomic power and nuclear non-proliferation as well as the disposal of radioactive waste including the nuclear fuel cycle project — in which spent nuclear fuel is processed and reused. The AEC has so far played these roles.

Established in 1956 as the "command post" of Japan's nuclear energy policy, the AEC has drawn up a framework for the country's nuclear energy policy almost every five years, making calls to put fast-breeder reactors into practical use and to reprocess spent nuclear fuel.

The 2005 framework calls for an increase in the ratio of nuclear power to the total electric power consumed in Japan to 30 to 40 percent and to put fast-breeder reactors into practical use in 2050.

Since the March 2011 outbreak of the crisis at the tsunami-hit Fukushima No. 1 Nuclear Power Plant, however, panel members have discussed how to reform the AEC, including its abolition.

The panel has decided to abolish the atomic policy framework and instead recommended that the basic direction of Japan's nuclear policy be shown in the basic energy policy that the government is currently revising.

However, a majority of experts on the panel call for the retention of a nuclear energy promotion organization because the AEC has played an important role in Japan's atomic energy policy.

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