

capable of triggering a major earthquake. The Court admitted that the government had failed to take into account risks posed by the existence of this fault and therefore that the conclusions of the safety investigation were erroneous. It decided, however, that, on the basis of the scientific standards existing at the time of the original investigation, its conclusions could not be considered as unreasonable; in addition, it rejected the argument claiming that there would be a strong possibility of a major accident occurring due to inadequate accident prevention measures.

Supreme Court decisions rejecting applications to close down Shika and Onagawa NPPs (2000)

On 19 December 2000, the Supreme Court rejected two separate appeals in the Shika and Onagawa cases.

In the Shika case, an application was brought by nearly 200 persons, including local residents, against Hokuriku Electric Power Company, which operates the Shika NPP, to shut down Unit 1 of Shika NPP in Ishikawa Prefecture. In the Onagawa case, an application was brought against the operator of the Onagawa NPP, Tohoku Electric Power Company, by eight residents of Onagawa and nearby municipalities who requested the shutdown of Units 1 and 2 of Onagawa NPP in Miyagi Prefecture.

In both cases, the plaintiffs argued that their human and environmental rights were violated by the operation of these nuclear power plants. The Supreme Court dismissed both applications on the grounds that the plaintiffs' arguments were based on misunderstandings, further stating that they had no reason to appeal the lower court rulings.

ADMINISTRATIVE DECISIONS

Finland

Decision of the Council of State concerning the construction of a permanent repository for spent nuclear fuel (2001)

This Decision was made in the context of the application by a Finnish Company, *Posiva Oy*, to construct a permanent repository for spent fuel in the Municipality of Eurajoki. Following the rejection on 19 May 2000 by the Administrative Court of Turku of the claims introduced by local residents against the statement of this municipality in favour of this construction (see *Nuclear Law Bulletin* No. 66), the residents lodged an appeal before the Supreme Administrative Court. This Court upheld the decision of the lower jurisdiction. Accordingly, under the procedure set out in the Finnish Nuclear Energy Act (the text of which is reproduced in the Supplement to *Nuclear Law Bulletin* No. 41), the Council of State (*i.e.* the government) issued a positive decision concerning *Posiva Oy*'s application. Considering that the construction of this disposal facility is in line with the overall good of society, the Finnish Parliament ratified the Council of State Decision allowing this construction on 18 May 2001.