

# **Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors**

(Act No. 166 of June 10, 1957)

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**Chapter I General Provisions**

(Objectives)

Article 1 (1) This Act, in accordance with the spirit of the Atomic Energy Basic Act (Act No. 186 of 1955), is enacted for the purpose of providing the necessary regulation on refining activities, fabrication and enrichment activities, storage activities, reprocessing activities and waste disposal activities, as well as on the installation and operation, etc. of reactors, while taking into consideration the possibility of large scale natural disasters, terrorism, or other criminal acts, and also for the purpose of providing necessary regulation on the uses of international controlled material to execute treaties or other international agreements concerning the research, development and use of nuclear energy, in order to ensure that the uses of nuclear source material, nuclear fuel material and reactors are limited to for the purposes of peace, and at the same time, to ensure public safety by preventing hazards due to the event that a severe accident at a nuclear facility causes a discharge of an abnormal level of radioactive materials outside the factory or place of activity where the relevant nuclear facility is installed, or otherwise resulting from nuclear source material, nuclear fuel material, and reactors, and protecting nuclear fuel material, thereby contributing to protecting people's lives, health, and property, conserving the environment, and assuring national security.

(Definitions)

Article 2 (1) The term "nuclear energy" as used in this Act means atomic energy prescribed in Article 3, item (i) of the Atomic Energy Basic Act.

(2) The term "nuclear fuel material" as used in this Act means nuclear fuel material prescribed in Article 3, item (ii) of the Atomic Energy Basic Act.

(3) The term "nuclear source material" means nuclear source material prescribed in Article 3, item (iii) of the Atomic Energy Basic Act.

(4) The term "reactor" as used in this Act means a reactor prescribed in Article 3, item (iv) of the Atomic Energy Basic Act.

(5) The term "power reactor" as used in this Act means a reactor used for power generation, excluding reactors used for research and testing other than those specified by Cabinet Order as being in the stage of research and development, and reactors installed on vessels.

(6) The term "specified nuclear fuel material" as used in this Act means plutonium (excluding those having an isotopic concentration of plutonium 238

exceeding 80 percent), uranium 233, uranium with a ratio of uranium 233 and uranium 235 to uranium 238 exceeding the ratio of natural composition and other nuclear fuel material specified by Cabinet Order.

- (7) The term "nuclear facilities" as used in this Act means facilities such as refining facilities prescribed in paragraph (2), item (ii) of the following Article, fuel fabrication facilities prescribed in Article 13, paragraph (2), item (ii), research and test reactor facilities prescribed in Article 23, paragraph (2), item (v), power reactor facilities prescribed in Article 43-3-5, paragraph (2), item (v), spent fuel storage facilities prescribed in Article 43-4, paragraph (2), item (ii), reprocessing facilities prescribed in Article 44, paragraph (2), item (ii), waste burial facilities prescribed in Article 51-2, paragraph (2), waste burial facilities prescribed in Article 51, paragraph (3), item (ii), and nuclear fuel material usage facilities prescribed in Article 52, paragraph (2), item (x).
- (8) The term "refining" as used in this Act means chemical processing of nuclear source material or nuclear fuel material in order to increase the percentage of uranium or thorium contained in nuclear source material or nuclear fuel material.
- (9) The term "fabrication and enrichment" as used in this Act means the physical or chemical processing of nuclear fuel material in order to change the nuclear fuel material into such a form or composition that may be used as fuel in a reactor.
- (10) The term "reprocessing" as used in this Act means the chemical processing of nuclear fuel material which has been used as fuel in a reactor or other nuclear fuel which has been subject to nuclear fission reaction (hereinafter referred to as "spent fuel") in order to separate nuclear fuel material or other useful material from spent fuel.
- (11) The term "nuclear regulatory inspection" as used in this Act means the inspection conducted by the Nuclear Regulation Authority (hereinafter referred to as "NRA") pursuant to the provisions of Article 61-2-2, paragraph (1).
- (12) The term "international controlled material" as used in this Act means nuclear source material, nuclear fuel material, a reactor or other material or equipment subject to safeguards or other controls based on agreements between the government of Japan and the International Atomic Energy Agency in implementing Article III, paragraphs 1 and 4 of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "safeguards agreement") as well as other international agreements between the government of Japan and the government of a foreign country (including international organizations) concerning the research, development and use of nuclear energy (excluding the Additional Protocol to the agreement between the government of Japan and the International Atomic Energy Agency in implementing Article III, paragraphs 1 and 4 of the Treaty on the Non-

Proliferation of Nuclear Weapons (hereinafter referred to as "Additional Protocol")) (hereinafter the agreements are simply referred to as "international agreements").

(13) The NRA gives public notices regarding the international controlled material set forth in the preceding paragraph.

(14) The term "internationally-specified activities" as used in this Act means the activities listed in Additional Protocol Annex I.

## **Chapter II Regulation on Refining Activities**

(Designation of Activity)

Article 3 (1) A person who seeks to carry out refining activities must obtain a designation by the NRA, pursuant to the provisions of Cabinet Order.

(2) A person who seeks to obtain the designation set forth in the preceding paragraph must submit an application form stating the following particulars to the NRA:

- (i) the name and address and, in the case of a corporation, the name of its representative;
- (ii) the name and location of the factory or place of activity where refining equipment and auxiliary facilities (hereinafter referred to as "refining facilities") are to be installed;
- (iii) the position, structure, and equipment of refining facilities, and the refining method;
- (iv) a construction plan for the refining facilities;
- (v) the particulars concerning the preparation of the systems necessary for quality control related to activities for operational safety of refining facilities.

(Criteria for Designation)

Article 4 When the application for the designation set forth in paragraph (1) of the preceding Article is made, the NRA must not authorize the designation in that paragraph unless it finds that the application complies with the following items:

- (i) the applicant has sufficient technical capability and financial basis for executing the activity competently;
- (ii) the position, structure, and equipment of the refining facilities comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear source material or nuclear fuel material; and
- (iii) the system prescribed in paragraph (2), item (v) of the preceding Article is to comply with the criteria specified by the rules of the NRA.

(Ineligibility for Designation)

Article 5 A person who falls under any of the following items is not granted the designation under Article 3, paragraph (1):

- (i) a person whose designation under Article 3, paragraph (1) has been rescinded, pursuant to the provisions of Article 10, paragraph (2), and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder;
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Permission for and Notification of Changes)

Article 6 (1) When a person who has obtained the designation set forth in Article 3, paragraph (1) (hereinafter referred to as "licensee of refining") seeks to change any particular listed in paragraph (2), item (ii), (iii), or (v) of that Article, the person must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order; provided, however, that this does not apply to making a change to, from among the particulars listed in item (ii) of the same paragraph, only the name of the factory or place of activity.

(2) When a licensee of refining has changed any particulars listed in Article 3, paragraph (2), item (i) or (iv), except in the case prescribed in Article 9, paragraph (1), the licensee must notify the NRA of the change within thirty days from the day the change was made. The same applies when only the name of the factory or place of activity is changed among the particulars listed in item (ii) of the same paragraph.

(3) The provisions of Article 4 apply mutatis mutandis to the permission set forth in paragraph (1).

(Notification of Commencement of Activity)

Article 7 When a licensee of refining commences, suspends, or resumes its activity, the licensee must notify the NRA of this within fifteen days from the day concerned.

(Merger and Split)

Article 8 (1) In the case of a merger of corporations that are licensees of refining (except in the case of a merger between a corporation that is a licensee of

refining and a corporation that is not a licensee of refining, and the corporation that is the licensee of refining continues to exist) or in the case of a split of corporations that are licensees of refining (limited to the case when the entirety of the refining activity pertaining to the permission is succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the refining activity through the split is to succeed to the status of the licensee of refining.

- (2) The provisions of Article 4, item (i) and (iii), and Article 5 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)

Article 9 (1) In the case of an inheritance with regard to a licensee of refining, the heir is to succeed to the status of the licensee of refining.

- (2) The heir who has succeeded to the status of the licensee of refining pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of Designation)

Article 10 (1) When a licensee of refining fails to commence its activity within the period specified by the rules of the NRA, or suspends the activity for more than one year continuously, without legitimate grounds, the NRA may rescind the designation set forth in Article 3, paragraph (1).

- (2) When a licensee of refining falls under any of the following items, the NRA may rescind the designation set forth in Article 3, paragraph (1), or specify a period not exceeding one year and order suspension of the activity for that period:
- (i) when the licensee of refining comes to fall under any of Article 5, items (ii) through (iv);
  - (ii) when the licensee of refining has changed a particular for which the licensee is required to obtain the permission pursuant to the provisions of Article 6, paragraph (1), without obtaining the permission;
  - (iii) when the licensee of refining has violated an order under the provisions of Article 11-2, paragraph (2);
  - (iv) when the licensee of refining has violated the provisions of Article 12, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
  - (v) when the licensee of refining has violated the provisions of Article 12-2, paragraph (1) or (4), or has violated an order under the provisions of

- paragraph (3) of that Article;
- (vi) when the licensee of refining has violated the provisions of Article 12-3, paragraph (1);
  - (vii) when the licensee of refining has violated an order under the provisions of Article 12-5;
  - (viii) when the licensee of refining has violated the provisions of Article 12-6, paragraph (1) and has discontinued the refining activity;
  - (ix) when the licensee of refining has violated the provisions of Article 12-6, paragraph (2);
  - (x) when the licensee of refining has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;
  - (xi) when the licensee of refining has violated the provisions of Article 59, paragraph (2), or has violated an order under the provisions of paragraph (4) of that Article;
  - (xii) when the licensee of refining has violated the provisions of Article 59-2, paragraph (2);
  - (xiii) when the licensee of refining has violated the conditions set forth in Article 62-2, paragraph (1) or (2).

(Records)

Article 11 Pursuant to the provisions of the rules of the NRA, the licensee of refining must record the particulars specified by the rules of the NRA concerning the implementation of the refining activity, and keep the record at the factory or place of activity.

(Measures to Be Taken for the Physical Security of Specified Nuclear Fuel Material)

Article 11-2 (1) If a licensee of refining handles specified nuclear fuel material at a factory or place of activity where refining facilities have been installed and if specified by Cabinet Order, the licensee, pursuant to the provisions of the rules of the NRA, must establish and manage areas for the physical security of specified nuclear fuel material, control specified nuclear fuel material by means of locking, etc. the specified nuclear fuel material, perform maintenance and inspection of equipment and devices necessary for the physical security of specified nuclear fuel material, and take any other necessary measures for the physical security of specified nuclear fuel material (hereinafter referred to as "physical security measures").

(2) When the NRA finds that the physical security measures are in violation of the rules of the NRA based on the provisions of the preceding paragraph, the NRA may order the licensee of refining to correct the measures pertaining to

the areas for the physical security of specified nuclear fuel material, correct the handling method of specified nuclear fuel material, and take any other measures necessary for the physical security of specified nuclear fuel material (hereinafter referred to as "corrective measures, etc.").

(Safety Regulations)

- Article 12 (1) If a licensee of refining conducts activities of refining nuclear fuel material, the licensee, pursuant to the provisions of the rules of the NRA, must specify safety regulations (including rules concerning safety training for handling nuclear fuel material; hereinafter the same applies in this Article) and obtain the approval of the NRA before commencing the construction of the refining facility. The same applies when making changes to the regulations.
- (2) When the NRA finds that the safety regulations fall under any of the following items, it must not grant the approval set forth in the preceding paragraph.
- (i) that the safety regulations have not obtained the designation set forth in Article 3, paragraph (1), have not been granted the permission set forth in Article 6, paragraph (1), or have not been notified pursuant to the provisions of paragraph (2) of the same Article; or
  - (ii) that the safety regulations are not sufficient for preventing disasters resulting from nuclear fuel material.
- (3) When the NRA finds that it is necessary for preventing disasters resulting from nuclear fuel material, it may order the licensee of refining to change the safety regulations.
- (4) A licensee of refining and their employees must observe the safety regulations.

(Provisions for the Physical Security of Nuclear Materials)

- Article 12-2 (1) In the case prescribed in the provisions of Article 11-2, paragraph (1), the licensee of refining, pursuant to the provisions of the rules of the NRA, must establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.
- (2) When the NRA finds that the provisions for the physical security of nuclear materials are not sufficient for protecting specified nuclear fuel material, it must not grant the approval set forth in the preceding paragraph.
- (3) When the NRA finds that it is necessary for protecting specified nuclear fuel material, it may order the licensee of refining to change the provisions for the physical security of nuclear materials.
- (4) A licensee of refining and their employees must observe the provisions for the physical security of nuclear materials.



(Nuclear Material Physical Security Manager)

Article 12-3 (1) In the case prescribed in the provisions of Article 11-2, paragraph (1), the licensee of refining, pursuant to the provisions of the rules of the NRA, must appoint a nuclear material physical security manager from among persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear material physical security manager manage the activity related to the physical security of specified nuclear fuel materials in a consistent manner.

(2) When a licensee of refining has appointed a nuclear material physical security manager pursuant to the provisions of the preceding paragraph, the licensee must notify the NRA of the appointment within thirty days of the date of appointment. The same applies to the dismissal of a nuclear material physical security manager.

(Duties of a Nuclear Material Physical Security Manager)

Article 12-4 (1) A nuclear material physical security manager must perform their duties in good faith.

(2) A person entering a refining facility must comply with the instructions given by the nuclear material physical security manager for the purpose of ensuring the implementation of this Act or an order based on this Act, or the execution of the provisions for the physical security of nuclear materials.

(Order to Dismiss the Nuclear Material Physical Security Manager)

Article 12-5 When the nuclear material physical security manager has violated this Act or an order based on this Act, the NRA may order the licensee of refining to dismiss the nuclear material physical security manager.

(Decommissioning Implementation Policy)

Article 12-5-2 (1) When a licensee of refining seeks to commence its activities, the licensee is to create and make public the decommissioning implementation policies (hereinafter referred to as "decommissioning implementation policies" in this Article) for implementing decommissioning measures (hereinafter referred to as "decommissioning measures" in this Chapter) associated with the discontinuation of refining activities specified by the rules of the NRA, including dismantlement of refining facilities, transfer of nuclear fuel materials, removal of contamination caused by nuclear fuel material, and disposal of material contaminated by nuclear fuel material.

(2) In the decommissioning implementation policies, necessary particulars such as the expected amount of material contaminated by nuclear fuel material to

be disposed of, the estimated cost of decommissioning, the methods of procurement of funds, for implementing the decommissioning measures, must be specified.

- (3) When a licensee of refining makes changes to its decommissioning implementation policy, the licensee must make public the changed policy without delay.
- (4) Beyond what is provided for in the preceding three paragraphs, necessary particulars concerning the decommissioning implementation policies are specified by the rules of the NRA.

(Measures Associated with the Discontinuation of the Activity)

Article 12-6 (1) A licensee of refining must take decommissioning measures when the licensee seeks to discontinue their activity.

- (2) When the licensee of refining seeks to take decommissioning measures, the licensee must draw up a plan concerning the relevant decommissioning measures (hereinafter referred to as a "decommissioning plan" in this Article and the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.
- (3) When the licensee of refining seeks to change the decommissioning plan for which the licensee has obtained the approval referred to in the preceding paragraph, the licensee must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.
- (4) When the NRA finds that the decommissioning plan pertaining to the application for the approval referred to in the preceding two paragraphs complies with the criteria specified by the rules of the NRA, it must grant the approval referred to in the preceding two paragraphs.
- (5) When the licensee of refining has made a minor change specified by the rules of the NRA as prescribed in the proviso to paragraph (3) to the decommissioning plan for which the licensee has obtained the approval referred to in paragraph (2), the licensee must notify the NRA of the change.
- (6) The licensee of refining must take decommissioning measures in compliance with the decommissioning plan for which the licensee has obtained the approval referred to in paragraph (2) (the changed decommissioning plan in the case an approval or a notification regarding the change pursuant to the provisions of paragraph (3) or the preceding paragraph has been given).
- (7) The NRA may order a licensee of refining that has taken the decommissioning measures in violation of the provisions of the preceding paragraph to take necessary measures for preventing disasters resulting from nuclear fuel materials or materials contaminated by nuclear fuel material.
- (8) Upon completion of the decommissioning measures, the licensee of refining

must obtain the confirmation of the NRA regarding whether the results of the measures comply with the criteria specified by the rules of the NRA.

- (9) When the licensee of refining has obtained the confirmation pursuant to the provisions of the preceding paragraph, the designation set forth in Article 3, paragraph (1) ceases to be effective.

(Measures Associated with Rescission of Designation)

Article 12-7 (1) When the licensee of refining has its designation rescinded pursuant to the provisions of Article 10, or when the licensee of refining has dissolved or died, and there is no inheritance pursuant to the provisions of Article 8, paragraph (1) or Article 9, paragraph (1), the former licensee of refining, etc. (meaning a liquidator, a bankruptcy trustee, or a person who controls the inherited property in lieu of the heir, when the licensee of refining who has had its designation rescinded pursuant to the provisions of Article 10 has dissolved or died, and there is no inheritance pursuant to the provisions of Article 8, paragraph (1) or Article 9, paragraph (1); the same applies hereinafter) is deemed to be the licensee of refining regarding the application of the provisions of Articles 11 through 12-5 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in paragraph (9) is obtained.

- (2) Pursuant to the provisions of the rules of the NRA, the former licensee of refining, etc. must create a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date that the licensee's designation as a licensee of refining was rescinded pursuant to the provisions of Article 10 or the date of dissolution or death of the licensee of refining.
- (3) The former licensee of refining, etc. must not take decommissioning measures for the period until the licensee obtains the approval set forth in the preceding paragraph.
- (4) When the former licensee of refining, etc. seeks to change the decommissioning plan for which the permission set forth in paragraph (2) has been obtained, the licensee must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.
- (5) When the NRA finds that the decommissioning plan pertaining to the application for the approval set forth in paragraph (2) and the preceding paragraph complies with the criteria specified by the rules of the NRA as prescribed in paragraph (4) of the preceding Article, the NRA must grant the approval set forth in paragraph (2) and the preceding paragraph.
- (6) When the former licensee of refining, etc. has made a minor change specified by the rules of the NRA referred to in the proviso to paragraph (4) to a

- decommissioning plan for which the approval set forth in paragraph (2) has been obtained, the licensee must notify the NRA of the minor change.
- (7) The former licensee of refining, etc. must take decommissioning measures in compliance with the decommissioning plan for which the approval set forth in paragraph (2) has been obtained (the changed decommissioning plan in the case an approval or a notification regarding a change pursuant to the provisions of paragraph (4) or the preceding paragraph has been given).
- (8) The NRA may order a former licensee of refining, etc. who has taken decommissioning measures in violation of the provisions of the preceding paragraph to take necessary measures for preventing disasters resulting from nuclear fuel materials or materials contaminated by nuclear fuel material.
- (9) Upon completion of decommissioning measures, the former licensee of refining, etc. must obtain the confirmation of the NRA regarding whether the results of the measures comply with the criteria specified by the rules of the NRA as prescribed in paragraph (8) of the preceding Article.

### **Chapter III Regulation on Fabrication and Enrichment Activities**

(Permission for the Activity)

Article 13 (1) A person seeking to carry out fabrication or enrichment activities must obtain the permission of the NRA, pursuant to provisions of Cabinet Order.

- (2) A person who seeks to obtain the permission set forth in the preceding paragraph must submit to the NRA an application form stating the following particulars:
- (i) the name and address and, in the case of a corporation, the name of its representative;
  - (ii) the name and location of the factory or place of activity where fabrication or enrichment equipment and its auxiliary facilities (hereinafter referred to as "fuel fabrication facilities") are to be installed;
  - (iii) the position, structure, and equipment of the fuel fabrication facilities and the method of fabrication or enrichment;
  - (iv) a construction plan for the fuel fabrication facilities;
  - (v) the particulars concerning the radiation management at the fuel fabrication facilities;
  - (vi) the particulars concerning the development of necessary facilities and system in dealing with the accident where nuclear fuel material has fallen into a critical state (meaning a state under which a nuclear fission chain reaction continues; the same applies hereinafter) or other accidents that have occurred at the fuel fabrication facilities;
  - (vii) the particulars concerning the preparation of the system necessary for

quality control related to activities for operational safety of fuel fabrication facilities.

(Criteria for the Permission)

Article 14 When an application for the permission set forth in paragraph (1) of the preceding Article is made, the NRA must not grant the permission set forth in that paragraph unless it finds that the application complies with all of the following items:

- (i) that the applicant has the technical capability required for taking necessary measures for preventing the occurrence and extension of a severe accident (meaning an accident where the nuclear fuel material goes critical or other severe accidents specified by the rules of the NRA; the same applies in Article 21-2, paragraph (1) and Article 22-7-2, paragraph (2), item (ii)) and has other technical capability adequate for carrying out fabrication or enrichment activities competently;
- (ii) that the applicant has sufficient financial basis for executing the activity competently;
- (iii) that the position, structure, and equipment of the fuel fabrication facilities comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear fuel material;
- (iv) the systems prescribed in paragraph (2), item (vii) of the preceding Article comply with the criteria specified by the rules of the NRA.

(Ineligibility for the Permission)

Article 15 A person who falls under any of the following items is not granted the permission under Article 13, paragraph (1):

- (i) a person whose permission under Article 13, paragraph (1) has been rescinded pursuant to the provisions of Article 20, paragraph (2), and for whom two years have not yet elapsed from the day of rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to a mental or physical disorder; or
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Permission for and Notification of Changes)

Article 16 (1) When a person who has obtained the permission set forth in

Article 13, paragraph (1) (hereinafter referred to as "licensee of fabrication or enrichment activity") seeks to change any particular listed in paragraph (2), item (ii), item (iii), or items (v) through (vii) of that Article, the person must obtain the permission of the NRA pursuant to the provisions of Cabinet Order; provided, however, that this does not apply to making a change to, from among the particulars listed in item (ii) of the same paragraph, only the name of the factory or place of activity.

- (2) When a licensee of fabrication or enrichment activity has changed any particular listed in Article 13, paragraph (2), item (i) or (iv), except for the case prescribed in Article 19, paragraph (1), the licensee must notify the NRA of the change within thirty days from the day that the change was made. The same applies to a change made to, from among the particulars listed in item (ii) of the same paragraph, only the name of the factory or place of activity.
- (3) The provisions of Article 14 apply mutatis mutandis to the permission set forth in paragraph (1).

(Approval of Design and Construction Method)

Article 16-2 (1) A licensee of fabrication or enrichment activity who seeks to carry out construction to install or modify the fuel fabrication facilities (except for those specified by the rules of the NRA as being those that will not hinder the prevention of disasters resulting from nuclear fuel material) must obtain the approval of the NRA regarding the construction plan including the design and construction method (hereinafter referred to as "design and construction plan" in this Article and in paragraph (2), item (i) of the following Article) before commencing the construction work as specified by the rules of the NRA; provided, however, that this does not apply to unavoidable temporary work to be implemented in the event of loss of or damage to a part of the fuel fabrication facilities or in the event of disasters or other emergencies.

- (2) When a person who has been granted the approval prescribed in the preceding Article seeks to change the design and construction plan, the person must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.
- (3) When the NRA finds that the application for the approval set forth in the preceding two paragraphs complies with both of the following items, it must grant the approval set forth in the preceding two paragraphs:
  - (i) that the design and construction plan of the fuel fabrication facilities has obtained the permission the provisions of Article 13, paragraph (1) or paragraph (1) of the preceding Article, or has been notified pursuant to the provisions of paragraph (2) of the preceding Article;
  - (ii) that the fuel fabrication facilities comply with the technical criteria set

forth in Article 16, paragraph (4).

- (4) When a licensee of fabrication or enrichment activity performs unavoidable temporary construction work pursuant to the provisions of the proviso to paragraph (1), the licensee must notify the NRA of this without delay after commencing the construction work.
- (5) When a person who has been granted the approval prescribed in paragraph (1) makes a minor change to the design and construction plan pursuant to the provisions of the proviso to paragraph (2) as specified by the rules of the NRA, the person must notify the NRA of the changed design and construction plan without delay after changing the design and construction plan; provided, however, that this does not apply to cases specified by the rules of the NRA

(Pre-Operational Inspection)

Article 16-3 (1) A licensee of fabrication or enrichment activity must carry out an inspection regarding the fuel fabrication facilities to be installed or modified, and must record and preserve the results of the inspection, pursuant to the provisions of the rules of the NRA.

(2) In the inspection set forth in the preceding paragraph (hereinafter referred to as "pre-operational inspection" in the following paragraph and Article 22 paragraph (1)), the licensee must confirm that the fuel fabrication facilities comply with both of the following items:

- (i) that the construction work of the fuel fabrication facilities has been conducted in compliance with the design and construction plan for which the approval set forth in paragraph (1) or (2) of the preceding Article has been obtained (including a plan for which a minor change specified by the rules of the NRA referred to in the proviso to the relevant paragraph has been made);
- (ii) that the fuel fabrication facilities comply with the technical criteria set forth in the following Article.

(3) A licensee of fabrication or enrichment activity must not use the fuel fabrication facilities until after receiving the confirmation of the NRA through the nuclear regulatory inspection for the pre-operational inspection that the fuel fabrication facilities comply with all of the items of the preceding paragraph, pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to the case in which construction work set forth in the proviso to paragraph (1) of the preceding Article has been conducted or in other cases specified by the rules of the NRA.

(Maintenance of Fuel Fabrication Facilities)

Article 16-4 A licensee of fabrication or enrichment activity must maintain its fuel fabrication facilities to comply with the technical criteria specified by the rules of the NRA; provided, however, that this does not apply to the case in

which the approval set forth in Article 22-8, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

(Periodic Licensee's Inspection)

Article 16-5 (1) A licensee of fabrication or enrichment activity must periodically conduct an inspection concerning the fuel fabrication facilities, and record and preserve the results of the inspection, as specified by the rules of the NRA; provided, however, that this does not apply to the case in which the approval set forth in Article 22-8, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

(2) In the inspection in the preceding paragraph (hereinafter referred to as "periodic licensee's inspection" in the following paragraph and Article 22, paragraph (1)), the licensee must confirm that the fuel fabrication facilities comply with the technical criteria set forth in the preceding Article.

(3) When the periodic licensee's inspection is completed or when specified by the rules of the NRA, a licensee of fabrication or enrichment activity must report the fact to the NRA without delay.

(Notification of Commencement of Activities)

Article 17 When a licensee of fabrication or enrichment activity commences, suspends, or resumes the activity, the licensee must notify the NRA of this within fifteen days from the day concerned.

(Merger and Split)

Article 18 (1) In the case of a merger of corporations that are licensees of fabrication or enrichment activity (except in the case of a merger between a corporation that is a licensee of fabrication or enrichment activity and a corporation that is not a licensee of fabrication or enrichment activity, and the corporation that is the licensee of fabrication or enrichment activity continues to exist) or in the case of a split of corporations that are licensees of fabrication or enrichment activity (limited to the case where the entirety of the fabrication or enrichment activities pertaining to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the fabrication or enrichment activities through the split, is to succeed to the status of the licensee of fabrication or enrichment activity.

(2) The provisions of Article 14, items (i), (ii), and (iv) and Article 15 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)



Article 19 (1) In the case of an inheritance with regard to a licensee of fabrication or enrichment activity, the heir is to succeed to the status of the licensee of fabrication or enrichment activity.

(2) The heir who has succeeded to the status of the licensee of fabrication or enrichment activity pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of the Permission)

Article 20 (1) When a licensee of fabrication or enrichment activity fails to commence its activity within the period specified by the rules of the NRA, or suspends its activity for more than one year continuously, without legitimate grounds, the NRA may rescind the permission set forth in Article 13, paragraph (1).

(2) When a licensee of fabrication or enrichment activity falls under any of the following items, the NRA may rescind the permission set forth in Article 13, paragraph (1), or specify a period not exceeding one year and order suspension of the activity for that period:

(i) when a licensee of fabrication or enrichment activity comes to fall under any of Article 15, items (ii) through (iv);

(ii) when the licensee has changed a particular for which the licensee is required to obtain the permission pursuant to the provisions of Article 16, paragraph (1), without obtaining the permission;

(iii) when the licensee has violated an order under the provisions of Article 21-3;

(iv) when the licensee has violated the provisions of Article 22, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;

(v) when the licensee has violated an order under the provisions of Article 22-5;

(vi) when the licensee has violated the provisions of Article 22-6, paragraph (1);

(vii) when the licensee has violated an order under the provisions of Article 12-2, paragraph (3) as applied mutatis mutandis pursuant to Article 22-6, paragraph (2);

(viii) when the licensee has violated the provisions of Article 12-2, paragraph (4) as applied mutatis mutandis pursuant to Article 22-6, paragraph (2);

(ix) when the licensee has violated the provisions of Article 22-7, paragraph (1);

(x) when the licensee has violated an order under the provisions of Article 12-5 as applied mutatis mutandis pursuant to Article 22-7, paragraph (2);

(xi) when the licensee has violated the provisions of Article 22-8, paragraph (1) and has discontinued the fabrication or enrichment activities;

(xii) when the licensee has violated the provisions of Article 22-8, paragraph

- (2);
- (xiii) when the licensee has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;
- (xiv) when the licensee has violated the provisions of Article 59, paragraph (2), or has violated an order under the provisions of paragraph (4) of that Article;
- (xv) when the licensee has violated the provisions of Article 59-2, paragraph (2);
- (xvi) when the licensee has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
- (xvii) when the licensee has violated the conditions set forth in Article 62-2, paragraph (1) or (2);
- (xviii) when the licensee has violated the provisions of Article 6 of the Act on Compensation for Nuclear Damage (Act No. 147 of 1961);
- (xix) when the licensee has violated an order under the provisions of Article 7, paragraph (4), Article 8, paragraph (5), Article 9, paragraph (7), Article 11, paragraph (6), or Article 13-2, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 156 of 1999).

(Records)

Article 21 Pursuant to the provisions of the rules of the NRA, the licensee of fabrication or enrichment activity must record the particulars specified by the rules of the NRA concerning the implementation of the fabrication or enrichment activities, and keep this record at the factory or place of activity.

(Measures to Be Taken for Operational Safety and Physical Security of Specified Nuclear Fuel Materials)

Article 21-2 (1) A licensee of fabrication or enrichment activity must, pursuant to the provisions of the rules of the NRA, take necessary operational safety measures concerning the following particulars (including the particulars concerning measures to be taken in the event of a severe accident):

- (i) maintenance of fuel fabrication facilities;
- (ii) operation of fabrication or enrichment equipment;
- (iii) transport, storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material (regarding transport and disposal, limited to transport or disposal conducted in the premises of the factory or place of activity where the fuel fabrication facilities have been installed; the same applies in paragraph (1) of the following Article).

(2) A licensee of fabrication or enrichment activity that handles specified nuclear fuel material at a factory or place of activity where the fuel fabrication facilities have been installed, if specified by Cabinet Order, must take physical

security measures pursuant to the provisions of the rules of the NRA.

(Suspension of the Use of Facilities)

Article 21-3 (1) When the NRA finds that the position, structure, or equipment of the fuel fabrication facilities does not comply with the criteria set forth in Article 14, item (iii), that the fuel fabrication facilities do not comply with the technical criteria set forth in Article 16-4, or that the measures pertaining to the maintenance of the fuel fabrication facilities, the operation of fabrication or enrichment equipment, or the transport, storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (1) of the preceding Article, the NRA may order the relevant licensee of fabrication or enrichment activity to suspend the use, modify, repair, or change the location of the fuel fabrication facilities, designate a method for operation of fabrication or enrichment equipment, or order other necessary operational safety measures to be taken.

(2) When the NRA finds that the physical security measures are in violation of the provisions of the rules of the NRA based on the provision of paragraph (2) of the preceding Article, the NRA may order the relevant licensee of fabrication or enrichment activity to take corrective measures, etc.

(Safety Regulations)

Article 22 (1) A licensee of fabrication or enrichment activity, pursuant to the provisions of the rules of the NRA, must establish the safety regulations (including provisions concerning safety training for handling nuclear fuel material, pre-operational inspection, and periodic licensee's inspection; hereinafter the same applies in this Article) before commencing construction for installing the fuel fabrication facilities and obtain the approval of the NRA. The same applies when making changes to the regulations.

(2) When the NRA finds that the safety regulations fall under any of the following items, it must not grant the approval set forth in the preceding paragraph.

(i) that the safety regulations have not obtained the permission set forth in Article 13, paragraph (1) or Article 16, paragraph (1), or have not been notified pursuant to the provisions of paragraph (2) of that Article;

(ii) that the safety regulations are not sufficient for preventing disasters resulting from nuclear fuel material.

(3) When the NRA finds that it is necessary for preventing disasters resulting from nuclear fuel material, it may order the relevant licensee of fabrication or enrichment activity to change the safety regulations.

(4) A licensee of fabrication or enrichment activity and their employees must

observe the safety regulations.

(Chief Engineer of Nuclear Fuel)

Article 22-2 (1) A licensee of fabrication or enrichment activity, pursuant to the provisions of the rules of the NRA, must appoint a chief engineer of nuclear fuel from among the persons who have a license for chief engineer of nuclear fuel set forth in paragraph (1) of the following Article and have work experience specified by the rules of the NRA, to have the chief engineer of nuclear fuel supervise operational safety related to the handling of nuclear fuel material.

(2) When a licensee of fabrication or enrichment activity has appointed a chief engineer of nuclear fuel pursuant to the provisions of the preceding paragraph, the licensee of fabrication or enrichment activity must notify the NRA of the appointment within thirty days from the day of the appointment. The same applies to the dismissal of the chief engineer of nuclear fuel.

(License for Chief Engineer of Nuclear Fuel)

Article 22-3 (1) The NRA issues a license for chief engineer of nuclear fuel to those who fall under any of the following items:

(i) a person who has passed the examination for chief engineer of nuclear fuel conducted by the NRA; or

(ii) a person whom the NRA finds, pursuant to the provisions of Cabinet Order, to possess knowledge and experience related to the handling of nuclear fuel material equal to or greater than those of the persons listed in the preceding item.

(2) The NRA may not issue a license for chief engineer of nuclear fuel to a person who falls under either of the following items:

(i) a person who has been ordered to return the license for chief engineer of nuclear fuel pursuant to the provisions of the following paragraph, and for whom one year has not yet elapsed from the day the person was ordered to return the license; or

(ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence.

(3) When a person who has been issued a license for chief engineer of nuclear fuel has violated the provisions of this Act or an order based on this Act, the NRA may order the return of the person's license.

(4) The subjects, procedures, and other details of the examination for chief engineer of nuclear fuel set forth in paragraph (1), item (i), and the procedures

for issuing and returning the license for chief engineer of nuclear fuel are specified by the rules of the NRA.

(Duties of the Chief Engineer of Nuclear Fuel)

Article 22-4 (1) The chief engineer of nuclear fuel must perform the engineer's duties related to the handling of nuclear fuel material in the fabrication or enrichment activities in good faith.

(2) A person who is engaged in the handling of nuclear fuel material in the fabrication or enrichment activities must comply with the instructions for operational safety in handling the nuclear fuel material given by the chief engineer of nuclear fuel.

(Order to Dismiss the Chief Engineer of Nuclear Fuel)

Article 22-5 When the chief engineer of nuclear fuel has violated the provisions of this Act or an order based on this Act, the NRA may order the relevant licensee of fabrication or enrichment activity to dismiss the chief engineer of nuclear fuel.

(Provisions for the Physical Security of Nuclear Materials)

Article 22-6 (1) In the case prescribed in the provisions of Article 21-2, paragraph (2), the licensee of fabrication or enrichment activity must, pursuant to the provisions of the rules of the NRA, establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.

(2) The provisions of Article 12-2, paragraph (2) through (4) apply mutatis mutandis to the provisions for the physical security of nuclear materials set forth in the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "Article 22-6, paragraph (1)," and the term "licensee of refining" in paragraphs (3) and (4) of that Article is deemed to be replaced with "licensee of fabrication or enrichment activity."

(Nuclear Material Physical Security Manager)

Article 22-7 (1) In the case prescribed in the provisions of Article 21-2, paragraph (2), the licensee of fabrication or enrichment activity, pursuant to the provisions of the rules of the NRA, must appoint a nuclear material physical security manager, from among the persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear material physical security manager manage the activity related to the physical security

of specified nuclear fuel materials in a consistent manner.

- (2) The provisions of Article 12-3, paragraph (2), Article 12-4, and Article 12-5 apply mutatis mutandis to the nuclear material physical security manager set forth in the preceding paragraph. In this case, the terms "licensee of refining" and "refining facilities" in these provisions are deemed to be replaced with "licensee of fabrication or enrichment activity" and "fuel fabrication facilities," respectively.

(Evaluation for Improving the Safety of Fuel Fabrication Facilities)

Article 22-7-2 (1) The licensee of fabrication or enrichment activity, pursuant to the provisions of the rules of the NRA, must conduct self-evaluation of the safety of the licensee's fuel fabrication facilities at each time specified by the rules of the NRA for improving the safety of the fuel fabrication facilities; provided, however, that this does not apply to the case in which the approval set forth in Article 22-8, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

- (2) The evaluation set forth in the preceding paragraph must be conducted by investigating and analyzing the following particulars and making a comprehensive evaluation of the safety of the relevant fuel fabrication facilities as a whole, while taking into consideration the results of the investigation and analysis:

(i) when the following measures for the purpose of preventing the occurrence and extension of any possible severe accidents at fuel fabrication facilities (hereinafter referred to as "prevention, etc. of accidents" in this item) have been taken, the relevant measures and the particulars concerning the effects of the measures for the prevention, etc. of accidents:

(a) installing equipment or apparatus that contribute to the prevention, etc. of accidents other than the equipment or apparatus specified in the technical criteria set forth in Article 16-4 as those that are required to be installed;

(b) developing a system for steadily taking measures for the prevention, etc. of accidents, such as through increasing the number of personnel for ensuring operational safety and enhancing safety training;

(ii) when there is a possibility of a severe accident occurring in spite of having taken the measures listed in sub-item (a) and (b) of the preceding item, the particulars concerning the possibility.

- (3) When a licensee of fabrication or enrichment activity has conducted the evaluation set forth in paragraph (1), the licensee must notify the NRA of the results of the evaluation, methods of investigation, analysis, and rating for the evaluation, and the particulars specified by the rules of the NRA (referred to as the "results of the evaluation, etc." in paragraph (5)), pursuant to the

provisions of the rules of the NRA; provided, however, that this does not apply to the case in which the approval set forth in Article 22-8, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

- (4) When the NRA finds that methods of investigation, analysis, and rating for the evaluation, among the particulars that were notified pursuant to the provisions of the preceding paragraph, do not comply with the methods specified by the rules of the NRA, the NRA may order the licensee of fabrication or enrichment activity that has made the notification to change the methods of investigation, analysis, or rating for the evaluation.
- (5) When a licensee of fabrication or enrichment activity has made a notification pursuant to the provisions of paragraph (3), the licensee is to make public the results of the evaluation, etc. that the licensee made a notification of, pursuant to the provisions of the rules of the NRA.

(Decommissioning Implementation Policy)

- Article 22-7-3 (1) When a licensee of fabrication or enrichment activity seeks to commence its activity, the licensee must create and make public the decommissioning implementation policy (hereinafter referred to as "decommissioning implementation policy" in this Article) for implementing the measures associated with the discontinuation of fabrication or enrichment activities specified by the rules of the NRA (hereinafter referred to as "decommissioning measures" in this Chapter) including dismantlement of the fuel fabrication facilities, transfer of nuclear fuel material, removal of contamination caused by nuclear fuel material, and disposal of material contaminated by nuclear fuel material.
- (2) In the decommissioning implementation policy, necessary particulars for implementing decommissioning measures including the expected amount of material contaminated by nuclear fuel material to be disposed of, the estimated cost of decommissioning measures, and the methods of procurement of funds must be specified.
  - (3) When a licensee of fabrication or enrichment activity makes changes to its decommissioning implementation policy, the licensee must make public the changed policy without delay.
  - (4) Beyond what is provided for in the preceding three paragraphs, necessary particulars concerning the decommissioning implementation policies are specified by the rules of the NRA.

(Measures Associated with the Discontinuation of the Activity)

- Article 22-8 (1) A licensee of fabrication or enrichment activity must take decommissioning measures when the licensee seeks to discontinue their activity.

- (2) When the licensee of fabrication or enrichment activity seeks to take decommissioning measures, the licensee must create a plan concerning the decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.
- (3) The provisions of Article 12-6, paragraph (3) through (9) apply mutatis mutandis to the decommissioning measures of the licensee of fabrication or enrichment activity. In this case, the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 22-8, paragraph (2)"; the term "the preceding two paragraphs" in paragraph (4) of that Article is deemed to be replaced with "Article 22-8, paragraph (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of that Article is deemed to be replaced with "Article 22-8, paragraph (2)"; and the term "designation set forth in Article 3, paragraph (1)" in paragraph (9) of that Article is deemed to be replaced with "permission set forth in Article 13, paragraph (1)."

(Measures Associated with Rescission of the Permission)

Article 22-9 (1) When a licensee of fabrication or enrichment activity has had its permission rescinded pursuant to the provisions of Article 20, or when a licensee of fabrication or enrichment activity has dissolved or died, and there is no inheritance pursuant to the provisions of Article 18, paragraph (1) or Article 19, paragraph (1), the former licensee of fabrication or enrichment activity, etc. (meaning the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir when the licensee of fabrication or enrichment activity who has had their permission rescinded pursuant to the provisions of Article 20 has dissolved or died, and there is no inheritance pursuant to the provisions of Article 18, paragraph (1) or Article 19, paragraph (1); the same applies hereinafter) is deemed to be the licensee of fabrication or enrichment activity regarding the application of the provisions of Article 16-4, Article 16-5, Articles 21 through 22-2 and Articles 22-4 through 22-7-2 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to paragraph (5) is obtained.

- (2) Pursuant to the provisions of the rules of the NRA, the former licensee of fabrication or enrichment activity, etc. must create a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date that the permission as a licensee of fabrication or enrichment activity was rescinded pursuant to the provisions of Article 20 or the date of dissolution or death of the licensee of fabrication or enrichment activity.



- (3) A former licensee of fabrication or enrichment activity, etc. must not take decommissioning measures for the period until the licensee obtains the approval set forth in the preceding paragraph.
- (4) In the case that the former licensee of fabrication or enrichment activity, etc. who is deemed as the licensee of fabrication or enrichment activity pursuant to the provisions of paragraph (1) has obtained the approval set forth in paragraph (2) (except for the cases specified by the rules of the NRA), the provisions of Article 16-4, Article 16-5, and Article 22-7-2 do not apply.
- (5) The provisions of Article 12-7, paragraphs (4) through (9) apply mutatis mutandis to decommissioning measures of the former licensee of fabrication or enrichment activity, etc. In this case, the term "paragraph (2)" in these provisions are deemed to be replaced with "Article 22-9, paragraph (2)"; the term "paragraph (4) of the preceding Article" in paragraph (5) of the same Article is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 22-8, paragraph (3)"; and the term "paragraph (8) of the preceding Article" in paragraph (9) of that Article is deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 22-8, paragraph (3)."

#### **Chapter IV Regulation on the Installation and Operation of Reactors**

##### **Section 1 Regulation on the Installation and Operation of Research and Test Reactors**

(Installment Permission)

- Article 23 (1) A person who seeks to install reactors other than power reactors (hereinafter referred to as "research and test reactors") must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order.
- (2) A person who seeks to obtain the permission set forth in the preceding paragraph must submit an application form stating the following particulars to the NRA:
    - (i) the name and address of the applicant and, in the case of a corporation, the name of its representative;
    - (ii) the purpose for which the reactors are to be used;
    - (iii) the type, thermal output, and number of the research and test reactors;
    - (iv) the name and location of the factory or place of activity where the research and test reactors are to be installed (in the case that the research and test reactors are to be installed on a vessel, the name and location of the factory or place of activity of the shipbuilder who is to build the vessel and the location of the vessel when performing construction work for installing the research and test reactors);
    - (v) the position, structure, and equipment of the research and test reactors and

- auxiliary facilities (hereinafter referred to as "research and test reactor facilities");
- (vi) the construction plan for the research and test reactor facilities;
  - (vii) the type and amount scheduled for annual use of nuclear fuel material to be used as fuel for the research and test reactors;
  - (viii) the method of disposing spent fuel;
  - (ix) The particulars concerning the development of the system necessary for quality management related to activities for operational safety of research and test reactor facilities.

(Permission Pertaining to Research and Test Reactors Installed on Foreign Nuclear Vessels)

- Article 23-2 (1) A person other than one who has Japanese nationality, a corporation or any other organization established pursuant to Japanese laws and regulations (excluding a person who has obtained the permission set forth in paragraph (1) of the preceding Article (hereinafter referred to as "licensee of research and test reactor operations")) who seeks to put a vessel equipped with research and test reactors (hereinafter referred to as "nuclear vessel") (excluding war vessels; hereinafter referred to as "foreign nuclear vessels") that the licensee owns into the water areas of Japan, pursuant to the provisions of Cabinet Order, must obtain the permission of the NRA in maintaining the research and test reactors in Japan in association with placing the foreign nuclear vessels in the water areas of Japan.
- (2) A person who seeks to obtain the permission set forth in the preceding paragraph must submit an application form stating the following particulars to the NRA:
- (i) the name of the vessel;
  - (ii) the particulars listed in paragraph (2), items (i) through (iii), item (v), item (viii), and item (ix) of the preceding Article.

(Criteria for the Permission)

- Article 24 (1) In the case that an application for the permission set forth in Article 23, paragraph (1) is made, the NRA must not grant the permission set forth in that paragraph unless it finds that the application complies with all of the following items:
- (i) there is no risk that the research and test reactors will be used for purposes other than for peace;
  - (ii) the applicant (including the shipbuilder who constructs the vessel in the case that research and test reactors are to be installed on a vessel) has sufficient technical capability and financial basis necessary for installing the research and test reactors, and has sufficient technical capability for

- operating the research and test reactors competently;
  - (iii) the position, structure, and equipment of the research and test reactor facilities comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear fuel material (including spent fuel; the same applies hereinafter, excluding Article 43-3-5, paragraph (2), item (vii)), material contaminated by nuclear fuel material (including fission products; the same applies hereinafter) or the research and test reactors; and
  - (iv) the system prescribed in Article 23, paragraph (2), item (ix) complies with the criteria specified by the rules of the NRA.
- (2) In granting the permission set forth in Article 23, paragraph (1), the NRA must hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria prescribed in item (i) of the preceding paragraph.

Article 24-2 (1) In the case that an application for the permission set forth in Article 23-2, paragraph (1) is made, the NRA must not grant the permission set forth in Article 23-2, paragraph (1) unless it finds that the application complies with the particulars listed in paragraph (1), items (i), item (ii) (limited to the part related to operation of the research and test reactors) item (iii), and item (iv) of the preceding Article.

- (2) In the case of granting the permission set forth in Article 23, paragraph (1), the NRA must hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria prescribed in item (i) of the preceding paragraph.

(Ineligibility for the Permission)

Article 25 A person who falls under any of the following items is not granted the permission set forth in Article 23, paragraph (1) or Article 23-2, paragraph (1):

- (i) a person whose permission set forth in Article 23, paragraph (1) or Article 23-2, paragraph (1) has been rescinded pursuant to the provisions of Article 33, paragraph (2) or (3), and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder; or
- (iv) a corporation, any of whose officers conducting its business operations falls

under any of the preceding three items.

(Permission for and Notification of Changes)

- Article 26 (1) When a licensee of research and test reactor operations seeks to change any particular listed in Article 23, paragraph (2), items (ii) through (v), item (viii), or item (ix), the licensee must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order; provided, however, that this does not apply when the licensee seeks to make a change to, from among the particulars listed in item (iv) of the same paragraph, only the name of the factory or place of activity.
- (2) When a licensee of research and test reactor operations has changed any particular listed in Article 23, paragraph (2), item (i), (vi), or (vii), except for the case prescribed in Article 32, paragraph (1), the licensee must notify the NRA of the change within thirty days from the day that the change was made. The same applies to a change made to, from among the particulars listed in item (iv) of the same paragraph, only the name of the factory or place of activity.
- (3) In the case where research and test reactors are to be installed on a vessel, and the registration of the vessel set forth in Article 5, paragraph (1) of the Ship Act (Act No. 46 of 1899) has been made, the licensee of research and test reactor operations must notify the NRA of the name of the vessel within thirty days from the day of the registration. The same applies when a change is made to the name.
- (4) The provisions of Article 24 apply mutatis mutandis to the permission set forth in paragraph (1).

- Article 26-2 (1) When a person who has obtained the permission set forth in Article 23-2, paragraph (1) (hereinafter referred to as "operator of a foreign nuclear vessel") seeks to change the particulars listed in paragraph (2), item (ii) of that Article in Japan (excluding cases where the provisions of the following paragraph are applicable), or seeks to place a foreign nuclear vessel in the water areas of Japan after having changed these particulars outside of Japan, the person must obtain the permission of the NRA with respect to the changes and the maintenance of the research and test reactors pertaining to the changes in Japan, pursuant to the provisions of Cabinet Order.
- (2) When the operator of a foreign nuclear vessel has changed a particular listed in Article 23-2, paragraph (2), item (i) or (ii) in Japan that pertains only to Article 23, paragraph (2), item (i), the operator, without delay, must notify the NRA of the changes. The same applies when a foreign nuclear vessel enters the water areas of Japan after changing only these particulars outside of Japan.
- (3) The provisions of Article 24-2 apply mutatis mutandis to the permission set

forth in paragraph (1).

(Approval of Design and Construction Method)

Article 27 (1) A licensee of research and test reactor operations who seeks to carry out construction work to install or modify research and test reactor facilities (except for those specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors) must obtain the approval of the NRA regarding the construction plan including the design and construction method (hereinafter referred to as "design and construction plan" in this Article and paragraph (2, item (i) of the following Article) before commencing the construction work as specified by the rules of the NRA; provided, however, that this does not apply to unavoidable temporary work to be implemented in the event of loss of or damage to a part of the research and test reactor facilities or in the event of disasters or other emergencies.

- (2) When a person who has obtained the approval prescribed in the preceding paragraph seeks to change the design and construction plan for which the approval was obtained, the person must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.
- (3) When the NRA finds that the application for the approval set forth in the preceding two paragraphs complies with both of the following items, the NRA must grant the approval set forth in the preceding two paragraphs:
  - (i) the design and construction plan of research and test reactor facilities has obtained the permission set forth in Article 23, paragraph (1) or Article 26, paragraph (1), or has been notified pursuant to the provisions of paragraph (2) of the relevant Article; and
  - (ii) the research and test reactor facilities comply with the technical criteria set forth in Article 28-2.
- (4) When a licensee of research and test reactor operations performs unavoidable temporary construction work pursuant to the provisions of the proviso to paragraph (1), the licensee must notify the NRA of this without delay after commencing the construction work.
- (5) When a person who has obtained the approval prescribed in paragraph (1) makes a minor change specified by the rules of the NRA to the design and construction plan pursuant to the provisions of the proviso to paragraph (2), the person must notify the NRA of the changed design and construction plan without delay after changing the plan; provided, however, that this does not apply to cases specified by the rules of the NRA

(Pre-Operational Inspection)

Article 28 (1) A licensee of research and test reactor operations must carry out an inspection regarding the research and test reactor facilities to be installed or changed, and must record and preserve the results of the inspection pursuant to the provisions of the rules of the NRA.

(2) In the inspection set forth in the preceding paragraph (hereinafter referred to as "pre-operational inspection" in the following paragraph and Article 37, paragraph (1)), the licensee must confirm that the research and test reactor facilities comply with both of the following items:

(i) that the construction work of the research and test reactor facilities has been conducted in compliance with the design and construction plan for which the approval set forth in paragraph (1) or (2) of the preceding Article has been obtained (including a plan for which a minor change specified by the rules of the NRA as referred to in the proviso to the relevant paragraph has been made); and

(ii) that the research and test reactor facilities comply with the technical criteria set forth in the following Article.

(3) A licensee of research and test reactor operations must not use the research and test reactor facilities until after receiving the confirmation of the NRA through the nuclear regulatory inspection for the pre-operational inspection that the research and test reactor facilities comply with both of the items of the preceding paragraph, pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply when the construction work under the proviso to paragraph (1) of the preceding Article is conducted or in other cases specified by the rules of the NRA.

(Maintenance of Research and Test Reactor Facilities)

Article 28-2 A licensee of research and test reactor operations must maintain its research and test reactor facilities to comply with the technical criteria specified by the rules of the NRA; provided, however, that this does not apply to the case in which the approval set forth in Article 43-3-2, paragraph (2) has been obtained for the research and test reactor facilities, except for the cases specified by the rules of the NRA.

(Periodic Licensee's Inspection)

Article 29 (1) A licensee of research and test reactor operations must periodically carry out inspections for the research and test reactor facilities, and record and preserve the results of the inspection, as specified by the rules of the NRA; provided, however, that this does not apply to the case where the approval set forth in Article 43-3-2, paragraph (2) has been obtained for the research and test reactor facilities, except for the cases specified by the rules of the NRA.

- (2) In the inspection referred to in the preceding paragraph (referred to as "periodic licensee's inspection" in the following paragraph and Article 37, paragraph (1)) the licensee must confirm that the research and test reactor facilities conform to the technical criteria set forth in the preceding Article.
- (3) When the periodic licensee's inspection is completed or when otherwise specified by the rules of the NRA, a licensee of research and test reactor operations must report the fact to the NRA without delay.

(Operation Plan)

Article 30 A licensee of research and test reactor operations, pursuant to provisions of the rules of the NRA, must create an operation plan for the research and test reactors pertaining to their installation (except for the research and test reactors that fall under those specified by Cabinet Order) and notify the NRA of the plan. The same applies when changes are made to the plan; provided, however, that this does not apply to the research and test reactors for which the approval set forth in Article 43-3-2, paragraph (2) has been obtained.

(Merger and Split)

Article 31 (1) In the case of a merger of corporations that are licensees of research and test reactor operations (except in the case of a merger between a corporation that is a licensee of research and test reactor operations and a corporation that is not a licensee of research and test reactor operations, and the corporation that is the licensee of research and test reactor operations continues to exist) or in the case of a split of corporations that are licensees of research and test reactor operations (limited to the case that the entirety of the research and test reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material pertaining to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the research and test reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material through the split is to succeed to the status of the licensee of research and test reactor operations.

- (2) The provisions of Article 24, paragraph (1), items (i), (ii) and (iv), paragraph (2), and Article 25 apply *mutatis mutandis* to the approval set forth in the preceding paragraph.

(Inheritance)

Article 32 (1) In the case of an inheritance with regard to a licensee of research

and test reactor operations, the heir is to succeed to the status of the licensee of research and test reactor operations.

- (2) The heir who has succeeded to the status of the licensee of research and test reactor operations pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of the Permission)

Article 33 (1) When a licensee of research and test reactor operations fails to commence operation of its research and test reactors within the period specified by the rules of the NRA, or suspends operations for more than one year continuously, without legitimate grounds, the NRA may rescind the permission set forth in Article 23, paragraph (1).

- (2) When a licensee of research and test reactor operations falls under any of the following items, the NRA may rescind the permission set forth in Article 23, paragraph (1), or specify a period not exceeding one year and order suspension of the operations of research and test reactors for that period:
- (i) when the licensee comes to fall under any of Article 25, items (ii) through (iv);
  - (ii) when the licensee has changed a particular for which the licensee is required to obtain the permission pursuant to the provisions of Article 26, paragraph (1), without obtaining the permission;
  - (iii) when the licensee has violated an order under the provisions of Article 36 or Article 36-2, paragraph (4);
  - (iv) when the licensee has violated the provisions of Article 37, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
  - (v) when the licensee has violated an order under the provisions of Article 43;
  - (vi) when the licensee has violated the provisions of Article 43-2, paragraph (1);
  - (vii) when the licensee has violated an order under the provisions of Article 12-2, paragraph (3) as applied mutatis mutandis pursuant to Article 43-2, paragraph (2);
  - (viii) when the licensee has violated the provisions of Article 12-2, paragraph (4) as applied mutatis mutandis to Article 43-2, paragraph (2);
  - (ix) when the licensee has violated the provisions of Article 43-2-2, paragraph (1);
  - (x) when the licensee has violated an order under the provisions of Article 12-5 as applied mutatis mutandis pursuant to Article 43-2-2, paragraph (2);
  - (xi) when the licensee has decommissioned a research and test reactor in violation of the provisions of Article 43-3-2, paragraph (1);
  - (xii) when the licensee has violated the provisions of Article 43-3-2, paragraph



- (2);
  - (xiii) when the licensee has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;
  - (xiv) when the licensee has violated the provisions of Article 59, paragraph (2), or has violated an order under the provisions of paragraph (4) of that Article;
  - (xv) when the licensee has violated the provisions of Article 59-2, paragraph (2);
  - (xvi) when the licensee has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
  - (xvii) when the licensee has violated the conditions set forth in Article 62-2, paragraph (1) or (2);
  - (xviii) when the licensee has violated the provisions of Article 6 of the Act on Compensation for Nuclear Damage;
  - (xix) when the licensee has violated an order under the provisions of Article 7, paragraph (4), Article 8, paragraph (5), Article 9, paragraph (7), Article 11, paragraph (6), or Article 13-2, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness; or
  - (xx) when the licensee has violated a disposition under the provisions of Article 40 , paragraph (1) of the Act on Port Regulations (Act No. 174 of 1948) (including as applied mutatis mutandis pursuant to Article 43 of that Act), or when the licensee has violated the provisions of Article 21, paragraph (1) of the same Act as applied mutatis mutandis pursuant to Article 40, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 43 of that Act).
- (3) When an operator of a foreign nuclear vessel falls under any of the following items, the NRA may rescind the permission set forth in Article 23-2, paragraph (1):
- (i) when the operator falls under item (i), (iii), (xiii), (xiv), or (xx) of the preceding paragraph;
  - (ii) when the operator has changed or maintained the particulars set forth in Article 26-2, paragraph (1) without obtaining the permission set forth in that paragraph;
  - (iii) when the operator has violated the conditions set forth in Article 62-2, paragraph (1).

(Records)

Article 34 Pursuant to the provisions of the rules of the NRA, a licensee of research and test reactor operations must record the particulars specified by the rules of the NRA concerning the operation of the research and test reactors and other uses of the research and test reactor facilities, and keep this record

at the factory or place of activity (in the case that research and test reactors are to be installed on a vessel, the vessel or the office of the licensee of research and test reactor operations).

(Measures to Be Taken for Operational Safety and Physical Security of Specified Nuclear Fuel Materials)

Article 35 (1) A licensee of research and test reactor operations and an operator of a foreign nuclear vessel, pursuant to the rules of the NRA, must take the necessary measures for operational safety concerning the following particulars:

- (i) maintenance of research and test reactor facilities;
- (ii) operation of research and test reactors;
- (iii) transport, storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material (transport and disposal are limited to the transport or disposal carried out in the premises of the factory or place of activity (including reactor vessels; the same applies in the following paragraph) where the research and test reactor facilities have been installed; hereinafter the same applies in paragraph (1) of the following Article).

(2) A licensee of research and test reactor operations and an operator of a foreign nuclear vessel who handles specified nuclear fuel material at a factory or place of activity where research and test reactor facilities have been installed, if specified by Cabinet Order, must take physical security measures pursuant to the provisions of the rules of the NRA.

(Suspension of the Use of Facilities)

Article 36 (1) When the NRA finds that the position, structure, or equipment of the research and test reactor facilities does not comply with the criteria set forth in Article 24, paragraph (1), item (iii), that the research and test reactor facilities do not comply with the technical criteria set forth in Article 28-2, or that the measures pertaining to the maintenance of the research and test reactor facilities, the operation of the research and test reactors, or the transport, storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (1) of the preceding Article, the NRA may order the relevant licensee of research and test reactor operations or the relevant operator of a foreign nuclear vessel to suspend the use, modify, repair or change the location of the research and test reactor facilities, designate a method for operating the research and test reactors, or order other necessary measures for operational safety to be taken.

(2) When the NRA finds that the physical security measures are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (2) of the preceding Article, the NRA may order the relevant licensee of research

and test reactor operations or the relevant operator of a foreign nuclear vessel to take corrective measures, etc.

(Notification of the Entry of a Nuclear Vessel into a Port)

- Article 36-2 (1) When a licensee of research and test reactor operations (limited to a person who has installed research and test reactors on a vessel; hereinafter the same applies in this Article) seeks to have a nuclear vessel enter a port of Japan, the licensee must notify the NRA in advance, pursuant to the provisions of the rules of the NRA.
- (2) When an operator of a foreign nuclear vessel seeks to have a foreign nuclear vessel enter a port of Japan, the operator must notify the NRA in advance, pursuant to the provisions of the rules of the NRA.
- (3) When the notification pursuant to the provisions of the preceding two paragraphs is made, the NRA, if it finds it necessary, must notify the Minister of Land, Infrastructure, Transport and Tourism of the particulars pertaining to the measures to be taken by the licensee of research and test reactor operations to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors, pursuant to the provisions of the rules of the NRA.
- (4) When the notification set forth in the preceding paragraph is made, the Minister of Land, Infrastructure, Transport and Tourism is to order the licensee of research and test reactor operations or the operator of a foreign nuclear vessel to take necessary measures for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors, and is to also instruct, through the Commander of the Japan Coast Guard, the director of the port pertaining to the notification set forth in paragraph (1) or (2) (in the case of a port other than a specified port prescribed in Article 3, paragraph (2) of the Act on Port Regulations, the director of the Office of the Regional Coast Guard Headquarters who exercises authority as the director of the port, pursuant to the provisions of Article 43 of that Act) to impose necessary regulations for navigation of the relevant reactor vessels.

(Safety Regulations)

- Article 37 (1) A licensee of research and test reactor operations, pursuant to the provisions of the rules of the NRA, must establish safety regulations (including provisions concerning safety training for the operation of the research and test reactors, pre-operational inspection, and periodic licensee's inspection; hereinafter the same applies in this Article), and must obtain the approval of the NRA before commencing construction work to install the research and test reactor facilities. The same applies when making changes to the regulations.

- (2) When the NRA finds that the safety regulations fall under any of the following items, it must not grant the approval set forth in the preceding paragraph:
  - (i) that the safety regulations have not obtained the permission set forth in Article 23, paragraph (1) or Article 26, paragraph (1), or have not been notified pursuant to the provisions of paragraph (2) of that Article;
  - (ii) that the safety regulations are not sufficient for preventing disasters resulting from nuclear fuel material, or material contaminated by nuclear fuel material, or research and test reactors.
- (3) When the NRA finds that it is necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors, the NRA may order the relevant licensee of research and test reactor operations to change the safety regulations.
- (4) A licensee of research and test reactor operations and their employees must observe the safety regulations.

#### Article 38 Deleted

(Acquiring Research and Test Reactors)

- Article 39 (1) A person who seeks to acquire research and test reactors or the entire facilities that include research and test reactors (including nuclear vessels; the same applies in paragraph (4)) from a licensee of research and test reactor operations must obtain the permission of the NRA pursuant to the provisions of Cabinet Order.
- (2) A person who seeks to acquire nuclear vessels from a person other than one who has Japanese nationality, or from a corporation or any other organization other than one established pursuant to Japanese laws and regulations (excluding licensees of research and test reactor operations) must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order.
  - (3) The provisions of Article 24 and Article 25 apply mutatis mutandis to the approval set forth in the preceding two paragraphs.
  - (4) A person who, with the permission set forth in paragraph (1), has acquired research and test reactors or the entire facilities that include research and test reactors from a licensee of research and test reactor operations is to succeed to the status of the licensee of research and test reactor operations with respect to the relevant research and test reactors.
  - (5) A person who, with the permission set forth in paragraph (2), has acquired a reactor vessel, is deemed to be a licensee of research and test reactor operations. In this case, the term "any particular listed in items (ii) through (v), item (viii), or item (ix) of Article 23, paragraph (2)" in Article 26, paragraph (1) and the term "any particular listed in item (i), (vi), or (vii) of Article 23,

paragraph (2)" in paragraph (2) of that Article are deemed to be replaced with "any particular specified by Cabinet Order," and the term "Article 23, paragraph (1)" in Article 33 and Article 43-3-2, paragraph (3) is deemed to be replaced with "Article 39, paragraph (2)."

(Chief Engineer of Research and Test Reactors)

Article 40 (1) A licensee of research and test reactor operations, pursuant to the provisions of the rules of the NRA, must appoint a chief engineer of research and test reactors from among the persons who have a license for chief engineer of research and test reactors set forth in paragraph (1) of the following Article, to have the chief engineer of research and test reactors supervise operational safety concerning the operation of reactors.

(2) When a licensee of research and test reactor operations has appointed a chief engineer of research and test reactors pursuant to the provisions of the preceding paragraph, the licensee of research and test reactor operations must notify the NRA of the appointment within thirty days of the appointment. The same applies to the dismissal of the chief engineer of research and test reactors.

(License for Chief Engineer of Reactors)

Article 41 (1) The NRA is to issue a license for chief engineer of reactors to a person who falls under any of the following items:

(i) a person who has passed the examination for chief engineer of reactors conducted by the NRA; or

(ii) a person whom the NRA finds, pursuant to the provisions of Cabinet Order, to possess knowledge and experience related to reactors equal to or greater than those of the persons listed in the preceding item.

(2) The NRA may not issue a license for chief engineer of reactors to a person who falls under any of the following items:

(i) a person who has been ordered to return their license for chief engineer of reactors pursuant to the provisions of the following paragraph, and for whom one year has not yet elapsed from the day the person was ordered to return the license;

(ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence.

(3) When a person who has been issued a license for chief engineer of reactors has violated the provisions of this Act or an order based on this Act, the NRA may order the return of the person's license.

(4) The subjects, procedures, and other details of the examination for chief

engineer of reactors set forth in paragraph (1), item (i) and the procedures for issuing and returning the license for chief engineer of reactors are specified by the rules of the NRA.

(Duties of the Chief Engineer of Research and Test Reactors)

Article 42 (1) The chief engineer of research and test reactors must perform their duties in good faith.

(2) A person who is engaged in the operation of research and test reactors must comply with the instructions for operational safety given by the chief engineer of research and test reactors.

(Order to Dismiss the Chief Engineer of Research and Test Reactors)

Article 43 When the chief engineer of research and test reactors has violated the provisions of this Act or an order based on this Act, the NRA may order the relevant licensee of research and test reactor operations to dismiss the chief engineer of research and test reactors.

(Provisions for the Physical Security of Nuclear Materials)

Article 43-2 (1) In the case prescribed in the provisions of Article 35, paragraph (2), the licensee of research and test reactor operations, pursuant to the provisions of the rules of the NRA, must establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.

(2) The provisions of Article 12-2, paragraphs (2) through (4) apply mutatis mutandis to the provisions for the physical security of nuclear materials set forth in the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "Article 43-2, paragraph (1)", and the term "licensee of refining" in paragraphs (3) and (4) of that Article is deemed to be replaced with "licensee of research and test reactor operations."

(Nuclear Material Physical Security Manager)

Article 43-2-2 (1) In the case prescribed in the provisions of Article 35, paragraph (2), a licensee of research and test reactor operations, pursuant to the provisions of the rules of the NRA, must appoint a nuclear material physical security manager, from among the persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear materials physical security manager manage the activity related to the physical security of specified nuclear fuel materials in a consistent manner.

(2) The provisions of Article 12-3, paragraph (2), Article 12-4, and Article 12-5 apply mutatis mutandis to a nuclear material physical security manager set forth in the preceding paragraph. In this case, the terms "licensee of refining" and "refining facilities" in these provisions are deemed to be replaced with "licensee of research and test reactor operations" and "research and test reactor facilities," respectively.

(Decommissioning Implementation Policy)

Article 43-3 (1) When a licensee of research and test reactor operations seeks to commence their operation, the licensee must create and make public the decommissioning implementation policy (hereinafter referred to as "decommissioning implementation policy" in this Article) for implementing the measures associated with the decommissioning of research and test reactors specified by the rules of the NRA (hereinafter referred to as "decommissioning measures" in this Section), including dismantlement of the research and test reactor, transfer of nuclear fuel material, removal of contamination caused by nuclear fuel material, disposal of material contaminated by nuclear fuel material.

(2) In the decommissioning implementation policy, necessary particulars for implementing decommissioning measures, including the expected amount of material contaminated by nuclear fuel material to be disposed, the estimated cost of decommissioning measures, and the methods of procurement of funds must be specified.

(3) When a licensee of research and test reactor operations makes changes to its decommissioning implementation policy, the licensee must make public the changed policy without delay.

(4) Beyond what is provided for in the preceding three paragraphs, necessary particulars concerning the decommissioning implementation policy are specified by the rules of the NRA.

(Measures Associated with Decommissioning of Research and Test Reactors)

Article 43-3-2 (1) A licensee of research and test reactor operations must take decommissioning measures when the licensee seeks to decommission the licensee's research and test reactors.

(2) When the licensee of research and test reactor operations seeks to take decommissioning measures, the licensee must draw up a plan concerning the relevant decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.

(3) The provisions of Article 12-6, paragraphs (3) through (9) apply mutatis mutandis to the decommissioning measures of the licensee of research and test

reactor operations. In this case, the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 43-3-2, paragraph (2)"; the term "the preceding two paragraphs" in paragraph (4) of that Article is deemed to be replaced with "Article 43-3-2, paragraph (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of that Article is deemed to be replaced with "Article 43-3-2, paragraph (2)"; the phrase "or material contaminated by nuclear fuel material" in paragraph (7) of that Article is deemed to be replaced with ", material contaminated by nuclear fuel material, or research and test reactors"; and the phrase "the designation set forth in Article 3, paragraph (1) ceases to be effective" in paragraph (9) of that Article is deemed to be replaced with "the permission set forth in Article 23, paragraph (1) ceases to be effective with respect to research and test reactors pertaining to the approval set forth in Article 43-3-2, paragraph (2)."

(Measures Associated with Rescission of the Permission)

Article 43-3-3 (1) When a licensee of research and test reactor operations has had their permission rescinded pursuant to the provisions of Article 33, paragraph (1) or (2), or when a licensee of research and test reactor operations has dissolved or died, and there is no inheritance pursuant to the provisions of Article 31, paragraph (1) or Article 32, paragraph (1), the former licensee of research and test reactor operations, etc. (meaning the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir when the licensee of research and test reactor operations who has had their permission rescinded pursuant to the provisions of Article 33, paragraph (1) or paragraph (2) has dissolved or died, and there is no inheritance pursuant to the provisions of Article 31, paragraph (1) or Article 32, paragraph (1); the same applies hereinafter) is deemed to be the licensee of research and test reactor operations regarding the application of the provisions of Article 28-2, Article 29, Articles 34 through 36, Article 37, Article 40, and Articles 42 through 43-2-2 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7, paragraph (9) as applied *mutatis mutandis* pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the rules of the NRA, the former licensee of research and test reactor operations, etc. must create a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date that the licensee's permission as a licensee of research and test reactor operations was rescinded pursuant to the provisions of Article 33, paragraph (1) or (2), or the date of dissolution or death of the licensee of research and test reactor operations.

(3) The former licensee of research and test reactor operations, etc. must not take decommissioning measures for the period until the licensee obtains the



approval set forth in the preceding paragraph.

- (4) The provisions of Article 12-7, paragraphs (4) through (9) apply mutatis mutandis to decommissioning measures of the former licensee of research and test reactor operations, etc., and the provisions of Article 22-9, paragraph (4) apply mutatis mutandis to the former licensee of research and test reactor operations, etc. In this case, the term "paragraph (2)" in these provisions are deemed to be replaced with "Article 43-3-3, paragraph (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7, paragraph (5) is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 43-3-2, paragraph (3)"; the term "or material contaminated by nuclear fuel material" in paragraph (8) of the same Article is deemed to be replaced with "material contaminated by nuclear fuel material, or research and test reactors"; the term "paragraph (8) of the preceding Article" in paragraph (9) of that Article is deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 43-3-2, paragraph (3)"; the term "paragraph (1)" in Article 22-9, paragraph (4) is deemed to be replaced with "Article 43-3-3, paragraph (1)," the term "as the licensee of fabrication or enrichment activities" in that paragraph is deemed to be replaced with "as the licensee of research and test reactor operations" and the term "Article 16-4, Article 16-5, and Article 22-7-2" is deemed to be replaced with "Article 28-2 and Article 29."

(Delegation to Cabinet Order)

- Article 43-3-4 (1) In the case of decommissioning of research and test reactors by an operator of a foreign nuclear vessel or a rescission of the permission of an operator of a foreign nuclear vessel pursuant to the provisions of Article 33, paragraph (3), the necessary particulars concerning measures to be taken by the operator of the foreign nuclear vessel to prevent disasters resulting from the research and test reactors or from nuclear fuel material or material contaminated by nuclear fuel material in association with the decommissioning, etc. of the research and test reactors may be specified by Cabinet Order.
- (2) The necessary penal provisions may be established in the Cabinet Order pursuant to the provisions of the preceding paragraph.
- (3) The penalty that may be provided for in the penal provisions set forth in the preceding paragraph is imprisonment for not more than one year, a fine of not more than one million yen, or both.

## **Section 2 Regulation on the Installation and Operation of Power Reactors**

(Permission for the Installation)

Article 43-3-5 (1) A person who seeks to install power reactors must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order.

(2) A person who seeks to obtain the permission set forth in the preceding paragraph must submit an application form stating the following particulars to the NRA:

- (i) the name and address of the applicant and, in the case of a corporation, the name of its representative;
- (ii) the purpose for which the power reactors are to be used;
- (iii) the type, thermal output, and number of the power reactors;
- (iv) the name and location of the factory or place of activity where the power reactors are to be installed;
- (v) the position, structure, and equipment of the power reactors and auxiliary facilities (hereinafter referred to as "power reactor facilities");
- (vi) the construction plan for the power reactor facilities;
- (vii) the type and amount scheduled for annual use of nuclear fuel material to be used as fuel for the power reactors;
- (viii) the method of disposing spent fuel;
- (ix) particulars concerning radiation management at the power reactor facilities;
- (x) particulars concerning the development of necessary facilities and system to deal with significant damage to the core of the power reactor or other accidents;
- (xi) particulars concerning the development of the system necessary for quality management related to activities for operational safety of power reactor facilities.

(Criteria for Permission)

Article 43-3-6 (1) In the case that an application for the permission set forth in paragraph (1) of the preceding Article is made, the NRA must not grant the permission set forth in that paragraph unless the NRA finds that the application complies with all of the following items:

- (i) there is no risk that the power reactors will be used for purposes other than for peace;
- (ii) the applicant has sufficient technical capability and financial basis necessary for installing power reactors;
- (iii) the applicant has the technical capability required for taking the necessary measures for preventing the occurrence and extension of a severe accident (meaning significant damage to the core of the power reactor or other severe accidents specified by the rules of the NRA; the same applies in Article 43-3-22, paragraph (1) and Article 43-3-29, paragraph (2), item (ii)) and has other technical capability adequate for operating the power reactors competently;

- (iv) the position, structure, and equipment of the power reactor facilities comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or the power reactors; and
  - (v) the system prescribed in paragraph (2), item (xi) of the preceding Article complies with the criteria specified by the rules of the NRA.
- (2) In the case referred to in the preceding paragraph, the type design of the specified equipment prescribed in Article 43-3-30, paragraph (1) that has obtained a type certificate pursuant to the provisions of that paragraph is deemed to comply with the criteria set forth in item (iv) of the preceding paragraph (limited to the part related to the technical criteria).
- (3) In granting the permission set forth in paragraph (1) of the preceding Article, the NRA must hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria prescribed in paragraph (1), item (i).

(Ineligibility for the Permission)

Article 43-3-7 A person who falls under any of the following items is not granted the permission set forth in Article 43-3-5, paragraph (1):

- (i) a person whose permission set forth in Article 43-3-5, paragraph (1) has been rescinded pursuant to the provisions of Article 43-3-20, paragraph (2), and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder;
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Permission for and Notification of Changes)

Article 43-3-8 (1) When a person who has obtained the permission set forth in Article 43-3-5, paragraph (1) (hereinafter referred to as a "licensee of power reactor operations") seeks to change any particular listed in paragraph (2), items (ii) through (v), or items (viii) through (xi) of that Article, the person must obtain the permission of the NRA pursuant to the provisions of Cabinet Order; provided, however, that this does not apply when making a change to, from among the particulars listed in item (iv) of that paragraph, only the name of the factory or place of activity, or making a change of particulars, from

among the changes of particulars listed in item (v) of that paragraph, only the change specified by the rules of the NRA set forth in paragraph (4).

- (2) The provisions of Article 43-3-6 apply mutatis mutandis to the permission set forth in the main text of the preceding paragraph.
- (3) When a licensee of power reactor operations has changed any particular listed in Article 43-3-5, paragraph (2), item (i), (vi), or (vii), excluding the case prescribed in Article 43-3-19, paragraph (1), the licensee must notify the NRA of the change within thirty days from the day that the change was made. The same applies to a change made to, from among the particulars listed in item (iv) of the relevant paragraph, only the name of the factory or place of activity.
- (4) When a licensee of power reactor operations seeks to make a change of particulars, from among the change of particulars listed in Article 43-3-5, paragraph (2), item (v), only the change that will clearly cause no hindrance to the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors (meaning an addition of equipment of the same type that will not hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors, or other changes specified by the rules of the NRA), the licensee must notify the NRA of the details of the change, pursuant to the provisions of the rules of the NRA. In this case, the licensee of power reactor operations who has made the notification must not make the change pertaining to the notification until thirty days have elapsed from the day that the notification was received.
- (5) When the NRA finds that the details of the change for which the notification was made pursuant to the provisions of the first sentence of the preceding paragraph comply with all of the items of Article 43-3-6, paragraph (1), the NRA may shorten the period prescribed in the second sentence of the preceding paragraph.
- (6) When the NRA finds that the details of the change for which the notification was made pursuant to the provisions of the first sentence of paragraph (4) do not comply with any of the items of Article 43-3-6, paragraph (1), the NRA may order the licensee of power reactor operations who has made the notification to change the details of the relevant notification or suspend the change, limited to within thirty days from the day that it received the notification (within the extended period when the period prescribed in the second sentence of paragraph (4) has been extended pursuant to the provisions of the following paragraph).
- (7) When a considerable period of time is required for examining whether the details of the change for which the notification was made pursuant to the provisions of the first sentence of paragraph (4) comply with all of the items of Article 43-3-6, paragraph (1) and there are reasonable grounds to believe that

the examination will not be completed within the period prescribed in the second sentence of paragraph (4), the NRA may extend the relevant period to a period that it considers reasonable. In this case, the NRA must notify the licensee of power reactor operations who has made the notification of the relevant extended period and the reason for the extension, without delay.

- (8) When the NRA finds that the change pertaining to an application for the permission set forth in the main text of paragraph (1) is highly necessary for the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors, the NRA may prioritize the examination for the permission set forth in the main text of that paragraph with respect to the relevant change over the examination for the permission set forth in the main text of that paragraph with respect to other power reactor facilities.

(Approval of Design and Construction Method)

Article 43-3-9 (1) A licensee of power reactor operations who seeks to carry out the construction work to install or modify power reactor facilities (except for those specified by the rules of the NRA as those that will not particularly hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors) must obtain the approval of the NRA regarding the construction plan including the design and construction method (hereinafter referred to as "design and construction plan" in this Section) before commencing the construction work as specified by the rules of the NRA; provided, however, that this does not apply to unavoidable temporary work to be implemented in the event of loss of or damage to a part of the power reactor facilities or in the event of disasters or other emergencies.

- (2) When a person who has been granted the approval prescribed in the preceding Article seeks to change the design and construction plan, the person must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.

(3) When the NRA finds that the application for the approval set forth in the preceding two paragraphs complies with both of the following items, the NRA must grant the approval set forth in the preceding two paragraphs:

- (i) that the design and construction plan has obtained the permission set forth in Article 43-3-5, paragraph (1) or paragraph (1) of the preceding Article or has been notified pursuant to the provisions of paragraph (3) or the first sentence of paragraph (4) of that Article; and

- (ii) that the power reactor facilities comply with the technical criteria set forth in Article 43-3-14.

- (4) In the case referred to in the preceding paragraph, the specified equipment with the type certificate prescribed in Article 43-3-31, paragraph (1) whose type has been designated pursuant to the provisions of that paragraph is deemed to comply with the technical criteria set forth in item (ii) of the preceding paragraph.
- (5) When a licensee of power reactor operations carries out unavoidable temporary construction work pursuant to the provisions of the proviso to paragraph (1), the licensee must notify the NRA of this, without delay after commencing the construction work.
- (6) When a person who has obtained the approval set forth in paragraph (1) seeks to make a minor change specified by the rules of the NRA to the design and construction plan pursuant to the provisions of the proviso to paragraph (2), the person must notify the NRA of the changed design and construction plan without delay after changing the plan; provided, however, that this does not apply to the cases specified by the rules of the NRA.

(Notification of Design and Construction Plan)

- Article 43-3-10 (1) A licensee of power reactor operations who seeks to carry out the construction work to install or change power reactor facilities as specified in the rules of the NRA (limited to the cases specified by the rules of the NRA set forth in paragraph (1) of the preceding Article) must notify the NRA of the design and construction plan pursuant to the provisions of the rules of the NRA. The same applies when making a change to the design and construction plan (excluding a minor change specified by the rules of the NRA).
- (2) A person who has made the notification pursuant to the provisions of the preceding paragraph must not commence the construction work pertaining to the notification until thirty days have elapsed from the day that the notification was received.
  - (3) When the NRA finds that the design and construction plan for which the notification was made pursuant to the provisions of paragraph (1) comply with both of the items of paragraph (3) of the preceding Article, the NRA may shorten the period prescribed in the preceding paragraph.
  - (4) When the NRA finds that the design and construction plan for which the notification was made pursuant to the provisions of paragraph (1) do not comply with any of the items of paragraph (3) of the preceding Article, the NRA may order the person who has made the notification to change or abolish the design and construction plan, limited to within thirty days from the day that the notification was received (within the extended period when the period prescribed in paragraph (2) has been extended pursuant to the provisions of the following paragraph).
  - (5) When a considerable period of time is required for examining whether the

design and construction plan for which the notification was made pursuant to the provisions of paragraph (1) complies with the items of paragraph (3) of the preceding Article and there are reasonable grounds to believe that the examination will not be completed within the period prescribed in paragraph (2), the NRA may extend the relevant period to a period that it considers reasonable. In this case, the NRA must notify the person who has made the notification of the relevant extended period and the reason for the extension, without delay.

- (6) In the case set forth in the preceding three paragraphs, the specified equipment with the type certificate prescribed in Article 43-3-31, paragraph (1) whose type has been designated pursuant to the provisions of that paragraph is deemed to comply with the technical criteria set forth in paragraph (3), item (ii) of the preceding Article.

(Pre-Operational Inspection)

Article 43-3-11 (1) A licensee of power reactor operations must carry out an inspection regarding the power reactor facilities to be installed or changed, and must record and preserve the results of the inspection pursuant to the provisions of the rules of the NRA.

- (2) In the inspection set forth in the preceding paragraph (referred to as "pre-operational inspection" in the following paragraph and Article 43-3-24, paragraph (1)), the licensee must confirm that the power reactor facilities comply with both of the following items:
- (i) that the construction work of the power reactor facilities has been carried out in compliance with the design and construction plan for which the approval set forth in Article 43-3-9, paragraph (1) or (2) has been obtained (including a plan for which a minor change specified by the rules of the NRA set forth in the proviso to the relevant paragraph has been made) or with the design and construction plan for which the notification pursuant to the provisions of paragraph (1) of the preceding Article has been made (including a plan for which a minor change specified by the rules of the NRA as referred to in the second sentence of that paragraph has been made); and
  - (ii) that the power reactor facilities comply with the technical criteria set forth in Article 43-3-14.
- (3) A licensee of power reactor operations must not use the power reactor facilities until after receiving confirmation of the NRA through the nuclear regulatory inspection for pre-operational inspection that the power reactor facilities comply with both of the items of the preceding paragraph, pursuant to the rules of the NRA; provided, however, that this does not apply to the case where the construction work under the proviso to Article 43-3-9, paragraph (1) has been conducted or in other cases specified by the rules of the NRA.

Article 43-3-12 Deleted

Article 43-3-13 Deleted

(Maintenance of Power Reactor Facilities)

Article 43-3-14 A licensee of power reactor operations must maintain the power reactor facilities to comply with the technical criteria specified by the rules of the NRA; provided, however, that this does not apply to power reactors for which the approval set forth in Article 43-3-34, paragraph (2) has been obtained, unless otherwise specified by the rules of the NRA.

Article 43-3-15 Deleted

(Periodic Licensee's Inspection)

Article 43-3-16 (1) A licensee of power reactor operations, pursuant to the rules of the NRA, must periodically carry out an inspection for the power reactor facilities, and record and preserve the results of the inspection, as specified by the rules of the NRA; provided, however, that this does not apply to power reactors for which the approval set forth in Article 43-3-34, paragraph (2) has been obtained, unless otherwise specified by the rules of the NRA.

(2) In the inspection set forth in the preceding paragraph (hereinafter referred to as "periodic licensee's inspection" in this Article and Article 43-3-24, paragraph (1)) the licensee must confirm that the research and test reactor facilities conform to the technical criteria set forth in Article 43-3-14.

(3) When the periodic licensee's inspection is completed or when otherwise specified by the rules of the NRA, a licensee of power reactor operations must report the fact to the NRA without delay.

(4) When a licensee of power reactor operations that conducts the periodic licensee's inspection, finds at the time of the relevant inspection that there is a part in the power reactor facilities specified by the rules of the NRA that is likely to cease to comply with the technical criteria set forth in Article 43-3-14 after the elapse of a certain period of time, the licensee, pursuant to the provisions of the rules of the NRA, must evaluate the time when the relevant part is expected to cease to comply with the technical criteria set forth in that Article and other particulars specified by the rules of the NRA, and record and preserve the results of the evaluation, and at the same time, make a report to the NRA concerning the particulars specified by the rules of the NRA.

(Operation Plan)

Article 43-3-17 A licensee of power reactor operations, pursuant to the rules of



the NRA, must create an operation plan for the power reactors pertaining to their installation and notify the NRA of the plan. The same applies when changes are made to the plan; provided, however, that this does not apply to the power reactors for which the approval set forth in Article 43-3-34, paragraph (2) has been obtained.

(Merger and Split)

Article 43-3-18 (1) In the case of a merger of corporations that are licensees of power reactor operations (except in the case of a merger between a corporation that is a licensee of power reactor operations and a corporation that is not a licensee of power reactor operations, and where the corporation that is the licensee of power reactor operations continues to exist) or in the case of a split of corporations that are licensees of power reactor operations (limited to the case that the entirety of the power reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material pertaining to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the relevant power reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material through the split, is to succeed to the status of the licensee of power reactor operations.

(2) The provisions of Article 43-3-6, paragraph (1), items (i) through (iii), and item (v), and paragraph (3), and Article 43-3-7 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)

Article 43-3-19 (1) In the case of an inheritance with regard to a licensee of power reactor operations, the heir is to succeed to the status of the licensee of power reactor operations.

(2) The heir who has succeeded to the status of the licensee of power reactor operations pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of the Permission)

Article 43-3-20 (1) When a licensee of power reactor operations fails to commence the operation of its power reactors within the period specified by the rules of the NRA, or suspends the operation for more than one year continuously, without legitimate grounds, the NRA may rescind the permission set forth in Article 43-3-5, paragraph (1).

- (2) When a licensee of power reactor operations falls under any of the following items, the NRA may rescind the permission set forth in Article 43-3-5, paragraph (1), or specify a period not exceeding one year and order suspension of the operation for that period:
- (i) when a licensee of power reactor operations comes to fall under any of Article 43-3-7, items (ii) through (iv);
  - (ii) when the licensee has changed a particular for which the licensee is required to obtain permission pursuant to the provisions of the main text of Article 43-3-8, paragraph (1), without obtaining the permission;
  - (iii) when the licensee has violated the provisions of the second sentence of Article 43-3-8, paragraph (4), or has violated an order under the provisions of paragraph (6) of that Article;
  - (iv) when the licensee has violated an order under the provisions of Article 43-3-23;
  - (v) when the licensee has violated the provisions of Article 43-3-24, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
  - (vi) when the licensee has violated an order under the provisions of Article 43 as applied mutatis mutandis pursuant to Article 43-3-26, paragraph (2);
  - (vii) when the licensee has violated the provisions of Article 43-3-27, paragraph (1);
  - (viii) when the licensee has violated an order under the provisions of Article 12-2, paragraph (3) as applied mutatis mutandis pursuant to Article 43-3-27, paragraph (2);
  - (ix) when the licensee has violated the provisions of Article 12-2, paragraph (4) as applied mutatis mutandis pursuant to Article 43-3-27, paragraph (2);
  - (x) when the licensee has violated the provisions of Article 43-3-28, paragraph (1);
  - (xi) when the licensee has violated an order under the provisions of Article 12-5 as applied mutatis mutandis pursuant to Article 43-3-28, paragraph (2);
  - (xii) when the licensee has operated a power reactor after the end of the extended period prescribed in Article 43-3-32, paragraph (2);
  - (xiii) when the licensee has operated a power reactor after the end of the allowed period of operation of the power reactor prescribed in Article 43-3-32, paragraph (1), in violation of the provisions of paragraph (4) of that Article;
  - (xiv) when the licensee has decommissioned a power reactor in violation of the provisions of Article 43-3-34, paragraph (1);
  - (xv) when the licensee has violated the provisions of Article 43-3-34, paragraph (2);
  - (xvi) when the licensee has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;

- (xvii) when the licensee has violated the provisions of Article 59, paragraph (2), or has violated an order under the provisions of paragraph (4) of that Article;
- (xviii) when the licensee has violated the provisions of Article 59-2, paragraph (2);
- (xix) when the licensee has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
- (xx) when the licensee has violated the conditions set forth in Article 62-2, paragraph (1) or (2);
- (xxi) when the licensee has violated the provisions of Article 6 of the Act on Compensation for Nuclear Damage; or
- (xxii) when the licensee has violated an order under the provisions of Article 7, paragraph (4), Article 8, paragraph (5), Article 9, paragraph (7), Article 11, paragraph (6), or Article 13-2, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 43-3-21 Pursuant to the provisions of the rules of the NRA, the licensee of power reactor operations must record the particulars specified by the rules of the NRA concerning the operation of the power reactors and other particulars concerning the use of power reactor facilities, and keep this record at the factory or place of activity.

(Measures to Be Taken for Operational Safety and Physical Security of Specified Nuclear Fuel Materials)

Article 43-3-22 (1) A licensee of power reactor operations, pursuant to the provisions of the rules of the NRA, must take necessary measures for operational safety concerning the following particulars (including the particulars concerning measures to be taken in the event of a severe accident):

- (i) maintenance of the power reactor facilities;
- (ii) operation of the power reactors;
- (iii) transport, storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material (regarding transport and disposal, limited to transport or disposal carried out in the premises of the factory or place of activity where the power reactor facilities have been installed; the same applies in paragraph (1) of the following Article).

(2) A licensee of power reactor operations who handles specified nuclear fuel material at a factory or place of activity where power reactor facilities have been installed, if specified by Cabinet Order, must take physical security measures pursuant to the provisions of the rules of the NRA.

(Suspension of the Use of Facilities)

Article 43-3-23 (1) When the NRA finds that the position, structure, or equipment of the power reactor facilities does not comply with the criteria set forth in Article 43-3-6, paragraph (1), item (iv), that the power reactor facilities do not comply with the technical criteria set forth in Article 43-3-14, or that the measures pertaining to the maintenance of the power reactor facilities, the operation of the power reactors, or the transport, storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (1) of the preceding Article, the NRA may order the relevant licensee of power reactor operations to suspend the use, modify, repair or change the location of the power reactor facilities, designate a method for operating the power reactors or, order other necessary operational safety measures to be taken.

(2) When the NRA finds that the physical security measures are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (2) of the preceding Article, the NRA may order the relevant licensee of power reactor operations to take corrective measures, etc.

(Safety Regulations)

Article 43-3-24 (1) A licensee of power reactor operations, pursuant to the provisions of the rules of the NRA, must establish safety regulations (including provisions concerning safety training for the operation of power reactors, pre-operational inspection, and periodic licensee's inspection; hereinafter the same applies in this Article) and obtain the approval of the NRA before commencing the construction work to install the power reactor facilities. The same applies when making changes to the regulations.

(2) When the NRA finds that the safety regulations fall under any of the following items, the NRA must not grant the approval set forth in the preceding paragraph:

(i) that the safety regulations have not obtained the permission set forth in Article 43-3-5, paragraph (1) or Article 43-3-8, paragraph (1), or have not been notified pursuant to the provisions of paragraph (3) or the first sentence of paragraph (4) of that Article; or

(ii) that the safety regulations are not sufficient for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, or power reactors.

(3) When the NRA finds that it is necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors, the NRA may order the relevant licensee of power reactor operations to change the safety regulations.

- (4) A licensee of power reactor operations and their employees must observe the safety regulations.

(Acquiring Power Reactors)

Article 43-3-25 (1) A person who seeks to acquire power reactors or the entire facilities that include power reactors from a licensee of power reactor operations must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order.

- (2) The provisions of Article 43-3-6 and Article 43-3-7 apply mutatis mutandis to the permission set forth in the preceding paragraph.

- (3) A person who, with the permission set forth in paragraph (1), has acquired power reactors or the entire facilities that include power reactors from a licensee of power reactor operations is to succeed to the status of the licensee of power reactor operations with respect to the relevant power reactors.

(Chief Engineer of Power Reactors)

Article 43-3-26 (1) A licensee of power reactor operations, pursuant to the provisions of the rules of the NRA, must appoint a chief engineer of power reactors from among the persons who have a license for chief engineer of power reactors set forth in Article 41, paragraph (1) and have work experience specified by the rules of the NRA, to have the chief engineer of power reactors supervise operational safety concerning the operation of power reactors.

- (2) The provisions of Article 40, paragraph (2), Article 42, and Article 43 apply mutatis mutandis to chief engineers of power reactors set forth in the preceding paragraph. In this case, the term "licensee of research and test reactor operations" in Article 40, paragraph (2) and Article 43 is deemed to be replaced with "licensee of power reactor operations" and the term "research and test reactors" in Article 42, paragraph (2) is deemed to be replaced with "power reactors."

(Provisions for the Physical Security of Nuclear Materials)

Article 43-3-27 (1) In the case prescribed in the provisions of Article 43-3-22, paragraph (2), the licensee of power reactor operations, pursuant to the provisions of the rules of the NRA, must establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.

- (2) The provisions of Article 12-2, paragraph (2) through (4) apply mutatis mutandis to the provisions for the physical security of nuclear materials set forth in the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with

"Article 43-3-27, paragraph (1)" and the term "licensee of refining" in paragraphs (3) through (4) of that Article is deemed to be replaced with "licensee of power reactor operations."

(Nuclear Material Physical Security Manager)

Article 43-3-28 (1) In the case prescribed in the provisions of Article 43-3-22, paragraph (2), the licensee of power reactor operations, pursuant to the provisions of the rules of the NRA, must appoint a nuclear material physical security manager, from among the persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear material physical security manager manage the activity related to the physical security of specified nuclear fuel material in a consistent manner.

(2) The provisions of Article 12-3, paragraph (2), Article 12-4, and Article 12-5 apply mutatis mutandis to the nuclear material physical security manager set forth in the preceding paragraph. In this case, the terms "licensee of refining" and "refining facilities" in these provisions are deemed to be replaced with "licensee of power reactor operations" and "power reactor facilities," respectively.

(Evaluation for Improving the Safety of Power Reactor Facilities)

Article 43-3-29 (1) A licensee of power reactor operations, pursuant to the provisions of the rules of the NRA, must conduct self-evaluation of the safety of the power reactor facilities at each time specified by the rules of the NRA for improving the safety of the power reactor facilities; provided, however, that this does not apply to power reactors when the approval set forth in Article 43-3-34, paragraph (2) has been obtained, unless otherwise specified by the rules of the NRA.

(2) The evaluation set forth in the preceding paragraph is conducted by investigating and analyzing the following particulars and making a comprehensive evaluation of the safety of the relevant power reactor facilities as a whole, by taking into consideration the results of the investigation and analysis:

(i) when having taken the following measures for the purpose of preventing the occurrence and extension of possible accidents at power reactor facilities (hereinafter referred to as "prevention, etc. of accidents" in this item), the relevant measures and the particulars concerning the effects of the measures for the prevention, etc. of accidents:

(a) installing equipment or apparatus contributing to the prevention, etc. of accidents other than the equipment or apparatus specified in the technical criteria set forth in Article 43-3-14 as those required to be installed;

- (b) developing a system for steadily taking measures for the prevention, etc. of accidents, such as through increasing the number of personnel for ensuring operational safety and enhancing safety training;
  - (ii) when there is a possibility of a severe accident occurring in spite of having taken the measures listed in sub-item (a) and (b) of the preceding item, the particulars concerning the possibility.
- (3) When a licensee of power reactor operations has conducted the evaluation set forth in paragraph (1), the licensee must notify the NRA of the results of the evaluation, methods of investigation, analysis, and rating for the evaluation, and the particulars specified by the rules of the NRA (referred to as the "results of the evaluation, etc." in paragraph (5)), pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to power reactors when the approval set forth in Article 43-3-34, paragraph (2) has been obtained, unless otherwise specified by the rules of the NRA.
- (4) When the NRA finds that methods of investigation, analysis, and rating for the evaluation, among the particulars that was notified pursuant to the provisions of the preceding paragraph, do not comply with the methods specified by the rules of the NRA, the NRA may order the licensee of power reactor operations who has given the notification to change the methods of investigation, analysis, or rating for the evaluation.
- (5) When a licensee of power reactor operations has given a notification pursuant to the provisions of paragraph (3), the licensee is to make public the results of the evaluation, etc. that the licensee has given a notification of, pursuant to the provisions of the rules of the NRA.

(Type Certificate for Design of Specified Equipment for Power Reactor Facilities)

- Article 43-3-30 (1) The NRA, upon application, grants a type certificate for the type design of the containment vessel, emergency power supply system, and other machines or equipment for nuclear power reactor facilities that are specified by the rules of the NRA (hereinafter referred to as "specified equipment").
- (2) When the application set forth in the preceding paragraph is made, if the NRA finds that the type design of the specified equipment for which the application is made complies with the criteria set forth in Article 43-3-6, paragraph (1), item (iv) (limited to the part related to the technical criteria; hereinafter the same applies in this Article), the NRA must grant the type certificate set forth in the preceding paragraph.
- (3) When a person who has obtained the type certificate for their type design seeks to change the type design of the specified equipment, the person must obtain the approval of the NRA. The same applies in the case that the criteria

set forth in Article 43-3-6, paragraph (1), item (iv) have been changed and the specified equipment of the type that obtained a type certificate for its type design has ceased to comply with the criteria set forth in that item.

- (4) When the application for the approval set forth in the preceding paragraph is made, the NRA is to examine whether the design for which the application is made complies with the criteria set forth in Article 43-3-6, paragraph (1), item (iv) and if the NRA finds that the relevant design complies with the criteria, it must grant the approval.
- (5) When the specified equipment of the type that obtained a type certificate for its type design has ceased to comply with the criteria set forth in Article 43-3-6, paragraph (1), item (iv), the NRA may rescind the type certificate.
- (6) The procedures for granting the certificate set forth in paragraph (1) and any other necessary particulars pertaining to the type certificate are specified by the rules of the NRA.

(Designation of the Type of Specified Equipment for Power Reactor Facilities)

Article 43-3-31 (1) For the purpose of improving the safety of power reactor facilities, the NRA, upon application, designates the type of the specified equipment which obtained the type certificate for its design as set forth in paragraph (1) of the preceding Article (hereinafter referred to as "specified equipment with the type certificate").

- (2) The application for the designation set forth in the preceding paragraph may also be made by a person who manufactures the relevant specified equipment with the type certificate on a regular basis in foreign countries, or a person who has concluded an agreement to purchase the relevant specified equipment with type certificate from the relevant person and who exports the relevant specified equipment with the type certificate to Japan on a regular basis.
- (3) The designation set forth in paragraph (1) is made by judging whether the relevant specified equipment with the type certificate for which an application is made falls under all of the following items:
  - (i) that the equipment is based on the design for which the type certificate was obtained as set forth in paragraph (1) of the preceding Article;
  - (ii) that the equipment complies with the technical criteria set forth in Article 43-3-14;
  - (iii) that the equipment demonstrates uniformity.
- (4) The designation set forth in paragraph (1) may be made by limiting the scope in which the relevant specified equipment with the type certificate may be used or by attaching conditions.
- (5) When the NRA finds that the specified equipment with the type certificate that obtained a type certificate for its type has ceased to fall under any of the items of paragraph (3), the NRA may rescind the designation.



- (6) Beyond what is provided for in the preceding paragraph, when a designated equipment manufacturer, etc. in foreign countries (meaning a person prescribed in paragraph (2) who has obtained the designation set forth in paragraph (1) for the type of specified equipment with the type certificate that the person manufactures or exports; hereinafter the same applies in this paragraph) falls under any of the following items, the NRA may rescind the designation set forth in paragraph (1) for the designated equipment manufacturer, etc. in foreign countries:
- (i) when a designated equipment manufacturer, etc. in foreign countries has violated the provisions of the rules of the NRA based on the provisions of the following paragraph;
  - (ii) in the case that the NRA finds it necessary for enforcing this Act and has requested the designated equipment manufacturer, etc. in foreign countries to make a report on their activity, and the manufacturer does not make a report or makes a false report;
  - (iii) in the case that the NRA finds it particularly necessary for enforcing this Act and seeks to have its staff member inspect the specified equipment with the type certificate designated for its type, books, documents and any other articles, and question the relevant person, at the office or other places of activity of the designated equipment manufacturer, etc. in foreign countries, or at any other place where the relevant specified equipment with the type certificate is believed to be located, when the relevant person refuses, obstructs, or avoids the inspection, or fails to make a statement or makes a false statement in response to a question.
- (7) The procedures for the designation set forth in paragraph (1) and any other necessary particulars pertaining to the designation of the type are specified by the rules of the NRA.

(Operation Period)

- Article 43-3-32 (1) The period during which the licensee of power reactor operations may operate a power reactor that has been installed is forty years from the day on which the power reactor obtained the confirmation set forth in Article 43-3-11, paragraph (3) for the first time.
- (2) The period set forth in the preceding paragraph may be extended only once upon expiration by obtaining the approval of the NRA.
  - (3) The period to be extended pursuant to the provisions of the preceding paragraph must not exceed the period specified by Cabinet Order not exceeding 20 years.
  - (4) A licensee of power reactor operations who seeks to obtain the approval set forth in paragraph (2) must make an application for the approval to the NRA, pursuant to the provisions of the rules of the NRA.

(5) The NRA may grant the approval set forth in the preceding paragraph, only in a case where it finds, in view of the status of deterioration of the reactor and other equipment as a result of their long-term operation, that the power reactor for which the application for the approval set forth in paragraph (2) is made complies with the criteria specified by the rules of the NRA as the criteria for ensuring the safety during the period to be extended pursuant to the provisions of that paragraph.

(Measures Associated with Decommissioning of Power Reactors)

- Article 43-3-33 (1) When a licensee of power reactor operations seeks to commence operation of their power reactor, the licensee must create and make public a decommissioning implementation policy (hereinafter referred to as "decommissioning implementation policy" in this Article) for implementing the measures (hereinafter referred to as "decommissioning measures" in this Section) associated with the decommissioning of power reactors specified by the rules of the NRA, including dismantlement of the power reactor, transfer of nuclear fuel material, removal of contamination caused by nuclear fuel material, and disposal of material contaminated by nuclear fuel material.
- (2) In the decommissioning implementation policy, necessary particulars for implementing the decommissioning measures, including the expected amount of material contaminated by nuclear fuel material to be disposed of, estimated cost of decommissioning measures, and the methods of procurement of funds must be specified.
- (3) When a licensee of power reactor operations makes changes to its decommissioning implementation policy, the licensee must make public the changed policy without delay.
- (4) Beyond what is provided for in the preceding three paragraphs, necessary particulars concerning the decommissioning implementation policy are specified by the rules of the NRA.

(Measures Associated with Decommissioning of Power Reactors)

- Article 43-3-34 (1) When a licensee of power reactor operations seeks to decommission the power reactors, the licensee must take decommissioning measures.
- (2) When a licensee of power reactor operations seeks to take decommissioning measures, the licensee must draw up a plan concerning the decommissioning measures (hereinafter referred to as "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.
- (3) The provisions of Article 12-6, paragraph (3) through (9) apply mutatis mutandis to the decommissioning measures of a licensee of power reactor

operations. In this case, the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 43-3-34, paragraph (2)"; the term "the preceding two paragraphs" in paragraph (4) of that Article is deemed to be replaced with "Article 43-3-34, paragraph (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of that Article is deemed to be replaced with "Article 43-3-34, paragraph (2)"; the phrase "or material contaminated by nuclear fuel material" in paragraph (7) of that Article is deemed to be replaced with ", material contaminated by nuclear fuel material, or power reactors"; and the phrase "the designation set forth in Article 3, paragraph (1) ceases to be effective" in paragraph (9) of that Article is deemed to be replaced with "the permission set forth in Article 43-3-5, paragraph (1) ceases to be effective with respect to power reactors pertaining to the approval set forth in Article 43-3-34, paragraph (2)."

(Measures Associated with Rescission of the Permission)

Article 43-3-35 (1) When a licensee of power reactor operations has had their permission rescinded pursuant to the provisions of Article 43-3-20, paragraph (1) or (2), or when a licensee of power reactor operations has dissolved or died, and there is no inheritance pursuant to the provisions of Article 43-3-18, paragraph (1) or Article 43-3-19, paragraph (1), the former licensee of power reactor operations, etc. (meaning the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir when the licensee of power reactor operations who has had their permission rescinded pursuant to the provisions of Article 43-3-20, paragraph (1) or (2) has dissolved or died, and there is no inheritance pursuant to the provisions of Article 43-3-18, paragraph (1) or Article 43-3-19, paragraph (1); the same applies hereinafter) is deemed to be the licensee of power reactor operations regarding the application of the provisions of Article 43-3-14, Article 43-3-16, Articles 43-3-21 through 43-3-24, and Articles 43-3-26 through 43-3-29 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the rules of the NRA, the former licensee of power reactor operations, etc. must draw up a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date that the licensee's permission as a licensee of power reactor operations was rescinded pursuant to the provisions of Article 43-3-20, paragraph (1) or (2), or the date of dissolution or death of the licensee of power reactor operations.

(3) The former licensee of power reactor operations, etc. must not take decommissioning measures for the period until the licensee obtains the

approval set forth in the preceding paragraph.

- (4) The provisions of Article 12-7, paragraphs (4) through (9) apply mutatis mutandis to the decommissioning measures of the former licensee of power reactor operations, etc., and the provisions of Article 22-9, paragraph (4) apply mutatis mutandis to the former licensee of power reactor operations, etc. In this case, the term "paragraph (2)" in these provisions is deemed to be replaced with "Article 43-3-35, paragraph (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7, paragraph (5) is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 43-3-34, paragraph (3)"; the phrase "or material contaminated by nuclear fuel material" in paragraph (8) of that Article is deemed to be replaced with ", material contaminated by nuclear fuel material, or power reactors"; the term "paragraph (8) of the preceding Article" in paragraph (9) of that Article is deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 43-3-34, paragraph (3)"; the term "paragraph (1)" in Article 22-9, paragraph (4) is deemed to be replaced with "Article 43-3-35, paragraph (1)," the term "as the licensee of fabrication or enrichment activity" is deemed to be replaced with "as the licensee of power reactor operations," and the term "Article 16-4, Article 16-5, and Article 22-7-2" is deemed to be replaced with "Article 43-3-14, Article 43-3-16, and Article 43-3-29."

## **Chapter V Regulation on the Storage Activities**

(Permission for the Activities)

Article 43-4 (1) A person who seeks to carry out an activity for storage of spent fuel (limited to spent fuel pertaining to commercial power reactors (power reactors other than the reactors specified by the Cabinet Order set forth in Article 2, paragraph (5)) or any other reactors specified by Cabinet Order as reactors that are, as a result of their operation, likely to generate spent fuel exceeding the storage capacity of storage equipment inside the power reactor facilities; hereinafter the same applies in this Chapter, Article 60, paragraph (1), Article 77, item (vi)-5, and Article 78, item (xvi)-2) (excluding storage carried out by a licensee of research and test reactor operations, an operator of a foreign nuclear vessel, licensee of power reactor operations, a person who has obtained the designation set forth in Article 44, paragraph (1), and a person who has obtained the permission set forth in Article 52, paragraph (1), at research and test reactor facilities, power reactor facilities, reprocessing facilities prescribed in Article 44, paragraph (2), item (ii), and storage facilities prescribed in Article 52, paragraph (2), item (viii) that are annexed to usage facilities prescribed in item (viii) of that paragraph, and limited to storage

carried out at storage facilities with a storage capacity not less than that specified by Cabinet Order (hereinafter referred to as "spent fuel storage facilities"); hereinafter such storage of spent fuel is simply referred to as "storage of spent fuel") must obtain the permission of the NRA pursuant to the provisions of Cabinet Order.

(2) A person who seeks to obtain the permission set forth in the preceding paragraph must submit an application form stating the following particulars to the NRA:

- (i) the name and address of the applicant and, in the case of a corporation, the name of its representative;
- (ii) the name and location of the place of activity where the spent fuel storage equipment and auxiliary facilities (hereinafter referred to as "spent fuel storage facilities") are to be installed;
- (iii) the type of spent fuel to be stored and the storage capacity;
- (iv) the position, structure, and equipment of the spent fuel storage facilities, and the storage method;
- (v) a construction plan for the spent fuel storage facilities;
- (vi) the method of taking out the spent fuel after the termination of storage;
- (vii) the particulars concerning the development of the system necessary for quality management related to the activity for operational safety of spent fuel storage facilities.

(Criteria for the Permission)

Article 43-5 (1) In the case that an application for the permission set forth in paragraph (1) of the preceding Article is made, the NRA must not grant the permission set forth in that paragraph unless it finds that the application complies with all of the following items:

- (i) there is no risk that spent fuel storage facilities will be used for purposes other than for peace;
- (ii) the applicant has sufficient technical capability and financial basis for executing the activity competently;
- (iii) the position, structure, and equipment of the spent fuel storage facilities comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from spent fuel or material contaminated by spent fuel; and
- (iv) the system prescribed in paragraph (2), item (vii) of the preceding Article complies with the criteria specified by the rules of the NRA.

(2) In the case referred to in the preceding paragraph, the type design of the specified container, etc. prescribed in Article 43-26-2, paragraph (1) that has obtained the type certificate pursuant to the provisions of that paragraph is deemed to comply with the criteria specified by the rules of the NRA set forth

in item (iii) of the preceding paragraph (limited to the part related to the technical criteria).

- (3) In granting the permission set forth in paragraph (1) of the preceding Article, the NRA must hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria prescribed in paragraph (1), item (i).

(Ineligibility for the Permission)

Article 43-6 A person who falls under any of the following items is not granted the permission set forth in Article 43-4, paragraph (1):

- (i) a person whose permission set forth in Article 43-4, paragraph (1) has been rescinded pursuant to the provisions of Article 43-16, paragraph (2), and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder;
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Permission for and Notification of Changes)

Article 43-7 (1) When a person who has obtained the permission set forth in Article 43-4, paragraph (1) (hereinafter referred to as "licensee of spent fuel storage activity") seeks to change any particular listed in paragraph (2), items (ii) through (iv), item (vi), or item (vii) of that Article, the person must obtain the permission of the NRA pursuant to the provisions of Cabinet Order; provided, however, that this does not apply to making a change to, from among the particulars listed in item (ii) of the same paragraph, only the name of the place of activity.

(2) When a licensee of spent fuel storage activity has changed any particulars listed in Article 43-4, paragraph (2), item (i) or (v), except the case prescribed in Article 43-15, paragraph (1), the licensee must notify the NRA of the change within thirty days from the day the change was made. The same applies to a change made to, from among the particulars listed in item (ii) of the same paragraph, only the name of the place of activity.

(3) The provisions of Article 43-5 apply mutatis mutandis to the permission set forth in paragraph (1).

(Approval of Design and Construction Plan)

Article 43-8 (1) A licensee of spent fuel storage activity who seeks to carry out the construction work to install or change the spent fuel storage facilities (except for the construction work specified by the rules of the NRA as one that will not hinder the prevention of disasters resulting from spent fuel or material contaminated by spent fuel) must obtain the approval of the NRA regarding the design and construction plan including the construction method (hereinafter referred to as "design and construction plan" in this Article and in paragraph (2), item (i) of the following Article) before commencing the construction work, as specified by the rules of the NRA; provided, however, that this does not apply to unavoidable temporary work to be implemented in the event of loss of or damage to a part of the spent fuel storage facilities or in the event of disasters or other emergencies.

(2) When a person who has been granted the approval prescribed in the preceding Article seeks to change the design and construction plan for which approval has been granted, the person must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.

(3) When the NRA finds that the application for the approval set forth in the preceding two paragraphs comply with all of the following items, the NRA must grant the approval set forth in the preceding two paragraphs:

(i) that the design and construction plan of the spent fuel storage facilities has obtained permission set forth in Article 43-4, paragraph (1) or paragraph (1) of the preceding Article, or has been notified pursuant to the provisions of paragraph (2) of the relevant Article; and

(ii) that the spent fuel storage facilities comply with the technical criteria set forth in Article 43-10.

(4) In the case referred to in the preceding paragraph, the specified container, etc. with the type certificate prescribed in Article 43-26-3, paragraph (1) whose type has been designated pursuant to the provisions of that paragraph is deemed to comply with the technical criteria set forth in item (ii) of the preceding paragraph.

(5) When a licensee of spent fuel storage activity performs unavoidable temporary construction work pursuant to the provisions of the proviso to paragraph (1), the licensee must notify the NRA of this after commencing the construction work, without delay.

(6) When a person who has been granted the approval prescribed in paragraph (1) makes a minor change specified by the rules of the NRA to the design and construction plan pursuant to the provisions of the proviso to paragraph (2), the person must notify the NRA of the changed design and construction plan after changing the plan, without delay; provided, however, that this does not

apply to the cases specified by the rules of the NRA.

(Pre-Operational Inspection)

Article 43-9 (1) A licensee of spent fuel storage activity must carry out an inspection regarding the spent fuel storage facilities to be installed or changed, and must record and preserve the results of the inspection pursuant to the provisions of the rules of the NRA.

(2) In the inspection set forth in the preceding paragraph (referred to as "pre-operational inspection" in the following paragraph and Article 43-20, paragraph (1)), the licensee of spent fuel storage activity must confirm that the spent fuel storage facilities comply with both of the following items:

(i) that the construction work of the spent fuel storage facilities has been conducted in compliance with the design and construction plan for which the approval set forth in paragraph (1) or (2) of the preceding Article has been obtained (including a plan for which a minor change specified by the rules of the NRA as referred to in the proviso to the relevant paragraph has been made);

(ii) that the spent fuel storage facilities comply with the technical criteria set forth in the following Article.

(3) A licensee of spent fuel storage activity must not use the spent fuel storage facilities until after receiving the confirmation from the NRA through the nuclear regulatory inspection for pre-operational inspection that the spent fuel storage facilities comply with all of the items of the preceding paragraph, pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to the construction work prescribed in the proviso to paragraph (1) of the preceding Article or in other cases specified by the rules of the NRA.

(Maintenance of Spent Fuel Storage Facilities)

Article 43-10 A licensee of spent fuel storage activity must maintain the spent fuel storage facilities to comply with the technical criteria specified by the rules of the NRA; provided, however, that this does not apply to the case in which the approval set forth in Article 43-27, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

(Periodic Licensee's Inspection)

Article 43-11 (1) A licensee of spent fuel storage activity, pursuant to the rules of the NRA, must periodically carry out an inspection of the spent fuel storage facilities, and record and preserve the results of the inspection as specified in the rules of the NRA; provided, however, that this does not apply to the spent fuel storage facilities for which the approval set forth in Article 43-27, paragraph (2) has been obtained (except for the cases specified by the rules of



the NRA).

- (2) In the inspection referred to in the preceding paragraph (referred to as "periodic licensee's inspection" in the following paragraph and Article 43-20, paragraph (1)), the licensee must confirm that the spent fuel storage facilities comply with the technical criteria set forth in the preceding Article.
- (3) When the periodic licensee's inspection is completed or when specified by the rules of the NRA, a licensee of spent fuel storage activity must report the fact to the NRA without delay.

(Notification of Commencement of Activity)

Article 43-12 When a licensee of spent fuel storage activity commences, suspends or resumes their activity, the licensee must notify the NRA of the fact within fifteen days from the day concerned.

(Storage Plan)

Article 43-13 A licensee of spent fuel storage activity, pursuant to the provisions of the rules of the NRA, must create a storage plan for the spent fuel storage facilities, and notify the NRA of the plan. The same applies when changes are made to the plan; provided, however, that this does not apply when the approval set forth in Article 43-27, paragraph (2) has been obtained.

(Merger and Split)

Article 43-14 (1) In the case of a merger of corporations that are licensees of spent fuel storage activity (except in the case of a merger between a corporation that is a licensee of spent fuel storage activity and a corporation that is not a licensee of spent fuel storage activity, and where the corporation that is the licensee of spent fuel storage activity continues to exist) or in the case of a split of corporations that are licensees of spent fuel storage activity (limited to the case that the entirety of the spent fuel storage activity pertaining to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the spent fuel storage activity through the split is to succeed to the status of the licensee of spent fuel storage activity.

- (2) The provisions of Article 43-5, paragraph (1), items (i), (ii), and (iv), and paragraph (3), and Article 43-6 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)

Article 43-15 (1) In the case of an inheritance with regard to a licensee of spent

fuel storage activity, the heir is to succeed to the status of the licensee of spent fuel storage activity.

- (2) The heir who has succeeded to the status of the licensee of spent fuel storage activity pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of the Permission)

Article 43-16 (1) When a licensee of spent fuel storage activity fails to commence their activity within the period specified by the rules of the NRA, or suspends their activity for more than one year continuously, without legitimate grounds, the NRA may rescind the permission set forth in Article 43-4, paragraph (1).

- (2) When a licensee of spent fuel storage activity falls under any of the following items, the NRA may rescind the permission set forth in Article 43-4, paragraph (1), or specify a period not exceeding one year and order suspension of the activity for that period:

(i) when the licensee comes to fall under any of Article 43-6, items (ii) through (iv);

(ii) when the licensee has changed a particular for which the licensee is required to obtain the permission pursuant to the provisions of Article 43-7, paragraph (1), without obtaining the permission;

(iii) when the licensee has violated an order under the provisions of Article 43-19;

(iv) when the licensee has violated the provisions of Article 43-20, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;

(v) when the licensee has violated an order under the provisions of Article 43-24;

(vi) when the licensee has violated the provisions of Article 43-25, paragraph (1);

(vii) when the licensee has violated an order under the provisions of Article 12-2, paragraph (3) as applied mutatis mutandis pursuant to Article 43-25, paragraph (2);

(viii) when the licensee has violated the provisions of Article 12-2, paragraph (4) as applied mutatis mutandis pursuant to Article 43-25, paragraph (2);

(ix) when the licensee has violated the provisions of Article 43-26, paragraph (1);

(x) when the licensee has violated an order under the provisions of Article 12-5 as applied mutatis mutandis pursuant to Article 43-26, paragraph (2);

(xi) when the licensee has discontinued the activity of storage of spent fuel in violation of the provisions of Article 43-27, paragraph (1);

- (xii) when the licensee has violated the provisions of Article 43-27, paragraph (2);
- (xiii) when the licensee has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;
- (xiv) when the licensee has violated the provisions of Article 59, paragraph (2), or has violated an order under the provision of paragraph (4) of that Article;
- (xv) when the licensee has violated the provisions of Article 59-2, paragraph (2);
- (xvi) when the licensee has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
- (xvii) when the licensee has violated the conditions set forth in Article 62-2, paragraph (1) or (2);
- (xviii) when the licensee has violated the provisions of Article 6 of the Act on Compensation for Nuclear Damage; or
- (xix) when the licensee has violated an order under the provisions of Article 7, paragraph (4), Article 8, paragraph (5), Article 9, paragraph (7), Article 11, paragraph (6), or Article 13-2, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 43-17 Pursuant to the provisions of the rules of the NRA, the licensee of spent fuel storage activity must record the particulars specified by the rules of the NRA concerning the execution of the activity of storage of spent fuel, and keep this record at the place of activity.

(Measures to Be Taken for Operational Safety and Physical Security of Specified Nuclear Fuel Material)

- Article 43-18 (1) A licensee of spent fuel storage activity, pursuant to the provisions of the rules of the NRA, must take necessary measures for operational safety concerning the following particulars:
- (i) maintenance of spent fuel storage facilities;
  - (ii) operation of spent fuel storage equipment; and
  - (iii) transport of spent fuel (limited to transport carried out at the place of activity where the spent fuel storage facilities have been installed; hereinafter the same applies in paragraph (1) of the following Article) or transport, storage, or disposal of material contaminated by spent fuel (transport and disposal is limited to transport or disposal carried out at the place of activity where the spent fuel storage facilities have been installed; hereinafter the same applies in paragraph (1) of the following Article).
- (2) A licensee of spent fuel storage activity who handles specified nuclear fuel

material at a place of activity where the spent fuel storage facilities have been installed, if specified by Cabinet Order, must take physical security measures pursuant to the provisions of the rules of the NRA.

(Suspension of the Use of Facilities)

Article 43-19 (1) When the NRA finds that the position, structure, or equipment of the spent fuel storage facilities does not comply with the criteria set forth in Article 43-5, paragraph (1), item (iii), that the spent fuel storage facilities do not comply with the technical criteria set forth in Article 43-10, or that the measures concerning the maintenance of the spent fuel storage facilities, the operation of the spent fuel storage equipment, the transport of the spent fuel, or the transport, storage, or disposal of material contaminated by the spent fuel are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (1) of the preceding Article, the NRA may order the relevant licensee of spent fuel storage activity to suspend the use, modify, repair or change the location of the spent fuel storage facilities, designate a method for operating the spent fuel storage equipment, or order other necessary measures for operational safety to be taken.

(2) When the NRA finds that the physical security measures are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (2) of the preceding Article, the NRA may order the relevant licensee of spent fuel storage activity to take corrective measures, etc.

(Safety Regulations)

Article 43-20 (1) A licensee of spent fuel storage activity, pursuant to the provisions of the rules of the NRA, must establish safety regulations (including rules concerning safety training for handling nuclear fuel material, pre-operational inspection, and periodic licensee's inspection; hereinafter the same applies in this Article) and obtain the approval of the NRA before commencing the construction work to install the spent fuel storage facilities. The same applies when making changes to the regulations.

(2) When the NRA finds that the safety regulations fall under any of the following items, it must not grant the approval set forth in the preceding paragraph:

- (i) that the safety regulations have not obtained permission set forth in Article 43-4, paragraph (1) or Article 43-7, paragraph (1), or have not been notified pursuant to the provisions of paragraph (2) of the relevant Article; or
- (ii) that the safety regulations are not sufficient for preventing disasters resulting from spent fuel or material contaminated by spent fuel.

(3) When the NRA finds that it is necessary for preventing disasters resulting from spent fuel or material contaminated by spent fuel, it may order the

- licensee of spent fuel storage activity to change the safety regulations.
- (4) A licensee of spent fuel storage activity and their employees must observe the safety regulations.

Article 43-21 Deleted

(Chief Engineer of Spent Fuel)

- Article 43-22 (1) A licensee of spent fuel storage activity, pursuant to the provisions of the rules of the NRA, must appoint a chief engineer of spent fuel from among the persons who have a license for chief engineer of nuclear fuel as set forth in Article 22-3, paragraph (1) or other persons who possess qualifications as specified by the rules of the NRA, to have the chief engineer of nuclear fuel supervise operational safety concerning the handling of spent fuel.
- (2) When a licensee of spent fuel storage activity has appointed a chief engineer of spent fuel pursuant to the provisions of the preceding paragraph, the licensee of spent fuel storage activity must notify the NRA of the appointment within thirty days of the appointment. The same applies to the dismissal of the chief engineer of spent fuel.

(Duties of the Chief Engineer of Spent Fuel)

- Article 43-23 (1) The chief engineer of spent fuel must perform their duties related to the handling of spent fuel in the activity of storage of spent fuel in good faith.
- (2) A person who is engaged in the handling of spent fuel in the activity of storage of spent fuel must comply with the instructions for operational safety in handling the spent fuel given by the chief engineer of spent fuel.

(Order to Dismiss the Chief Engineer of Spent Fuel)

- Article 43-24 When the chief engineer of spent fuel has violated the provisions of this Act or an order based on this Act, the NRA may order the licensee of spent fuel storage activity to dismiss the chief engineer of spent fuel.

(Provisions for the Physical Security of Nuclear Materials)

- Article 43-25 (1) In the case prescribed in the provisions of Article 43-18, paragraph (2), a licensee of spent fuel storage activity, pursuant to the provisions of the rules of the NRA, must establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.
- (2) The provisions of Article 12-2, paragraphs (2) through (4) apply mutatis mutandis to the provisions for the physical security of nuclear materials set

forth in the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "Article 43-25, paragraph (1)", and the term "licensee of refining" in paragraphs (3) and (4) of that Article is deemed to be replaced with "licensee of spent fuel storage activity."

(Nuclear Material Physical Security Manager)

Article 43-26 (1) In the case prescribed in the provisions of Article 43-18, paragraph (2), a licensee of spent fuel storage activity, pursuant to the provisions of the rules of the NRA, must appoint a nuclear material physical security manager, from among the persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear material physical security manager manage the activity related to the physical security of specified nuclear fuel material in a consistent manner.

(2) The provisions of Article 12-3, paragraph (2), Article 12-4, and Article 12-5 apply mutatis mutandis to the nuclear material physical security manager set forth in the preceding paragraph. In this case, the terms "licensee of refining" and "refining facilities" in these provisions are deemed to be replaced with "licensee of spent fuel storage activity" and "spent fuel storage facilities," respectively.

(Type Certificate for Specified Container for Spent Fuel Storage Facilities)

Article 43-26-2 (1) The NRA, upon application, grants the type certificate for type design of containers used for storage of spent fuel and other equipment for spent fuel storage facilities that are specified by the rules of the NRA (hereinafter referred to as a "specified container, etc.").

(2) When the application set forth in the preceding paragraph is made, if the NRA finds that the type design of the specified container, etc. for which the application is made complies with the criteria set forth in Article 43-5, paragraph (1), item (iii) (limited to the part related to technical criteria; hereinafter the same applies in this Article), the NRA must grant the type certificate set forth in the preceding paragraph.

(3) When a person who has obtained the type certificate for their type design seeks to change the type design of the specified container, etc., the person must obtain the approval of the NRA. The same applies in the case that the criteria set forth in Article 43-5, paragraph (1), item (iii) have been changed and the specified container, etc. that obtained the type certificate for its type design has ceased to comply with the criteria set forth in that item.

(4) When the application for the approval set forth in the preceding paragraph is made, the NRA must examine whether the design for which the application is

made complies with the criteria set forth in Article 43-5, paragraph (1), item (iii), and if it finds that the relevant design complies with the criteria, it must grant the approval.

- (5) When the specified container, etc. that obtained the type certificate for its type design has ceased to comply with the criteria set forth in Article 43-5, paragraph (1), item (iii), the NRA may rescind the relevant type certificate.
- (6) The procedures for granting the certificate set forth in paragraph (1) and any other necessary particulars pertaining to the type certificate are specified by the rules of the NRA.

(Designation of Type of Specified Container for Spent Fuel Storage Facilities)

Article 43-26-3 (1) For the purpose of improving the safety of spent fuel storage facilities, the NRA, upon application, is to designate the type of the specified container, etc. that obtained the type certificate set forth in paragraph (1) of the preceding Article for its design (hereinafter referred to as "specified container, etc. with the type certificate").

- (2) The application for the designation set forth in the preceding paragraph may also be made by a person who manufactures the relevant specified container, etc. with the type certificate on a regular basis in foreign countries, or a person who has concluded an agreement to purchase the relevant specified container, etc. with the type certificate from the relevant person and who exports the relevant specified container, etc. with the type certificate to Japan on a regular basis.
- (3) The designation set forth in paragraph (1) is made by judging whether the relevant specified container, etc. with the type certificate for which an application is made falls under all of the following items:
  - (i) that the specified container, etc. is based on the design that obtained the type certificate set forth in paragraph (1) of the preceding Article;
  - (ii) that the specified container, etc. complies with the technical criteria set forth in Article 43-10; and
  - (iii) that the specified container, etc. demonstrates uniformity.
- (4) The designation set forth in paragraph (1) may be made by limiting the scope in which the relevant specified container, etc. with the type certificate may be used or by attaching conditions.
- (5) When the NRA finds that the specified container, etc. with the type certificate designated for its type has ceased to fall under any of the items of paragraph (3), the NRA may rescind the designation.
- (6) Beyond what is provided for in the preceding paragraph, when a designated container manufacturer, etc. in foreign countries (meaning the person prescribed in paragraph (2) who has obtained the designation set forth in paragraph (1) for the type of specified container, etc. that the person

manufactures or exports; hereinafter the same applies in this paragraph) falls under any of the following items, the NRA may rescind the designation set forth in paragraph (1) for the designated container manufacturer, etc. in foreign countries:

- (i) when the designated container manufacturer, etc. in foreign countries has violated the provisions of the rules of the NRA based on the provisions of the following paragraph;
  - (ii) in the case that the NRA finds it necessary for enforcing this Act and has requested the designated container manufacturer, etc. in foreign countries to make a report on their business, and the manufacturer fails to make the report or makes a false report;
  - (iii) in the case that the NRA finds it particularly necessary for enforcing this Act and seeks to have its staff member inspect the specified container, etc., books, documents and any other articles, and question the relevant person, at the office or other places of activity of the designated container manufacturer, etc. in foreign countries, or at other places where specified container, etc. designated for its type is believed to be located, when the relevant person refuses, obstructs, or avoids the inspection, or fails to make a statement or makes a false statement in response to a question.
- (7) The procedures for making the designation set forth in paragraph (1) and any other necessary particulars pertaining to the type designation are specified by the rules of the NRA.

(Decommissioning Implementation Policy)

- Article 43-26-4 (1) When a licensee of spent fuel storage activity seeks to commence its activity, the licensee must create and make public the policy (hereinafter referred to as "decommissioning implementation policy" in this Article) for implementing the measures associated with the decommissioning (hereinafter referred to as "decommissioning measures" in this Chapter) of the activity of storage of spent fuel specified by the rules of the NRA, including dismantlement of the spent fuel storage facilities, removal of contamination caused by spent fuel, and disposal of material contaminated by spent fuel.
- (2) In the decommissioning implementation policy, necessary particulars in implementing decommissioning measures, including the expected amount of material contaminated by spent fuel to be disposed, the estimated cost of decommissioning, and the methods of procurement of funds must be specified.
  - (3) When a licensee of spent fuel storage activity makes changes to its decommissioning implementation policy, the licensee must make public the changed policy without delay.
  - (4) Beyond what is provided for in the preceding three paragraphs, necessary particulars concerning the decommissioning implementation policy are



specified by the rules of the NRA.

(Measures Associated with the Discontinuation of the Activity)

- Article 43-27 (1) A licensee of spent fuel storage activity must take decommissioning measures when the licensee seeks to discontinue their activity.
- (2) When a licensee of spent fuel storage activity seeks to take decommissioning measures, the licensee must draw up a plan concerning the decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.
- (3) The provisions of Article 12-6, paragraphs (3) through (9) apply mutatis mutandis to the decommissioning measures of a licensee of spent fuel storage activity. In this case, the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 43-27, paragraph (2)"; the term "the preceding two paragraphs" in paragraph (4) of that Article is deemed to be replaced with "Article 43-27, paragraph (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of that Article is deemed to be replaced with "Article 43-27, paragraph (2)"; the term "nuclear fuel material" in paragraph (7) of that Article is deemed to be replaced with "spent fuel"; and the term "designation set forth in Article 3, paragraph (1)" in paragraph (9) of that Article is deemed to be replaced with "permission set forth in Article 43-4, paragraph (1)."

(Measures Associated with Rescission of the Permission)

- Article 43-28 (1) When a licensee of spent fuel storage activity has had its permission rescinded pursuant to the provisions of Article 43-16, or when a licensee of spent fuel storage activity has dissolved or died, and there is no inheritance pursuant to the provisions of Article 43-14, paragraph (1) or Article 43-15, paragraph (1), the former licensee of spent fuel storage activity, etc. (meaning the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir when the licensee of spent fuel storage activity who has had their permission rescinded pursuant to the provisions of Article 43-16 has dissolved or died, and there is no inheritance pursuant to the provisions of Article 43-14, paragraph (1) or Article 43-15, paragraph (1); the same applies hereinafter) is deemed to be the licensee of spent fuel storage activity regarding the application of the provisions of Article 43-10, Article 43-11, Articles 43-17 through 43-20, and Articles 43-22 through 43-26 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

- (2) Pursuant to the provisions of the rules of the NRA, the former licensee of spent fuel storage activity, etc. must draw up a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date that the permission as a licensee of spent fuel storage activity was rescinded pursuant to the provisions of Article 43-16 or the date of dissolution or death of the licensee of spent fuel storage activity.
- (3) The former licensee of spent fuel storage activity, etc. must not take the decommissioning measures for the period until the licensee obtains the approval set forth in the preceding paragraph.
- (4) The provisions of Article 12-7, paragraphs (4) through (9) apply mutatis mutandis to decommissioning measures of the former licensee of spent fuel storage activity, etc., and the provisions of Article 22-9, paragraph (4) apply mutatis mutandis to the former licensee of spent fuel storage activity, etc. In this case, the term "paragraph (2)" in these provisions is deemed to be replaced with "Article 43-28 , paragraph (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7, paragraph (5) is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 43-27, paragraph (3)"; the term "nuclear fuel material" in paragraph (8) of that Article is deemed to be replaced with "spent fuel"; the term "paragraph (8) of the preceding Article" in paragraph (9) of that Article is deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 43-27, paragraph (3)"; the terms "paragraph (1)," "licensee of fabrication or enrichment activities," and "Article 16-4, Article 16-5, and Article 22-7-2" are deemed to be replaced with "Article 43-28, paragraph (1)," "licensee of spent fuel storage activity" and "Article 43-10 and Article 43-11," respectively.

## **Chapter VI Regulation of the Reprocessing Activity**

(Designation of Activity)

- Article 44 (1) A person who seeks to carry out reprocessing activity must obtain designation from the NRA pursuant to the provisions of Cabinet Order.
- (2) A person who seeks to obtain the designation set forth in the preceding paragraph must submit an application form stating the following particulars to the NRA:
    - (i) the name and address of the applicant and, in the case of a corporation, the name of its representative;
    - (ii) the name and location of the factory or place of activity where the reprocessing equipment and auxiliary facilities (hereinafter referred to as "reprocessing facilities") are to be installed;
    - (iii) the type of spent fuel to be reprocessed and reprocessing capacity;

- (iv) the position, structure, and equipment of the reprocessing facilities, and the reprocessing method;
- (v) a construction plan for the reprocessing facilities;
- (vi) the method of disposing nuclear fuel material that has been separated from spent fuel;
- (vii) the particulars concerning the radiation management at the reprocessing facilities;
- (viii) the particulars concerning the development of necessary facilities and system in dealing with the accident where the nuclear fuel material goes critical or where other accidents have occurred at the reprocessing facilities; and
- (ix) the particulars concerning the development of the system necessary for quality management related to activities for operational safety of the reprocessing facilities.

(Criteria for Designation)

Article 44-2 (1) In the case that an application for the designation set forth in paragraph (1) of the preceding Article is made, the NRA must not grant the designation in that paragraph unless it finds that the application complies with all of the following items:

- (i) there is no risk that reprocessing facilities will be used for purposes other than for peace;
  - (ii) the applicant has the technical capability required for taking measures necessary for preventing the occurrence and extension of a severe accident (an accident where nuclear fuel material goes critical or other severe accidents specified by the rules of the NRA; the same applies in Article 48, paragraph (1) and Article 50-4-2, paragraph (2), item (ii)) and has other technical capability adequate for carrying out the reprocessing activity competently;
  - (iii) the applicant has sufficient financial basis for executing the activity competently;
  - (iv) the position, structure, and equipment of the reprocessing facilities comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from spent fuel, material separated from spent fuel, or material contaminated by spent fuel or material separated from spent fuel; and
  - (v) the system prescribed in item (ix) of paragraph (2) of the preceding Article complies with the criteria specified by the rules of the NRA.
- (2) In granting the designation set forth in paragraph (1) of the preceding Article, the NRA must hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria prescribed in item (i) of the

preceding paragraph.

(Ineligibility for the Designation)

Article 44-3 A person who falls under any of the following items is not granted the designation set forth in Article 44, paragraph (1):

- (i) a person whose designation set forth in Article 44, paragraph (1) has been rescinded pursuant to the provisions of Article 46-7, paragraph (2), and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder;
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Permission for and Notification of Changes)

Article 44-4 (1) When a person who has obtained the designation set forth in Article 44, paragraph (1) (hereinafter referred to as "licensee of reprocessing activity") seeks to change any particular listed in paragraph (2), items (ii) through (iv), or items (vi) through (ix) of that Article, the person must obtain the permission of the NRA pursuant to the provisions of Cabinet Order; provided, however, that this does not apply in making a change to, from among the particulars listed in item (ii) of the same paragraph, only the name of the factory or place of activity.

(2) When a licensee of reprocessing activity has changed any particular listed in Article 44, paragraph (2), item (i) or (v), except the case prescribed in Article 46-6, paragraph (1), the licensee must notify the NRA of the change within thirty days from the day that the change was made. The same applies to a change made to, from among the particulars listed in item (ii) of the same paragraph, only the name of the factory or place of activity.

(3) The provisions of Article 44-2 apply mutatis mutandis to the permission set forth in paragraph (1).

(Approval of the Design and Construction Plan)

Article 45 (1) A licensee of reprocessing activity who seeks to carry out the construction work to install or modify the reprocessing facilities (except for those specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from spent fuel, material separated from

spent fuel, or material contaminated by such material or spent fuel) must obtain the approval of the NRA regarding the design and the construction plan including the construction method (hereinafter referred to as "design and construction plan" in this Article and paragraph (2), item (i) of the following Article) before commencing the construction work as specified by the rules of the NRA; provided, however, that this does not apply to unavoidable temporary work to be implemented in the event of loss of or damage to a part of the reprocessing facilities or in the event of disasters or other emergencies.

- (2) When a person who has been granted the approval prescribed in the preceding Article seeks to change the design and construction plan for which the approval was granted, the person must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.
- (3) When the NRA finds that the application for the approval set forth in the preceding two paragraphs comply with all of the following items, the NRA must grant the approval set forth in the preceding two paragraphs:
  - (i) that the design and construction plan of the reprocessing facilities has been designated as set forth in Article 44, paragraph (1), has been permitted as set forth in paragraph (1) of the preceding Article, or has been notified pursuant to the provisions of paragraph (2) of that Article; and
  - (ii) that the reprocessing facilities comply with the technical criteria set forth in Article 46-2.
- (4) When a licensee of reprocessing activity performs unavoidable temporary construction work pursuant to the provisions of the proviso to paragraph (1), the licensee must notify the NRA of this without delay after commencing the construction work.
- (5) When a person who has been granted the approval prescribed in paragraph (1) makes a minor change specified by the rules of the NRA to the design and construction plan pursuant to the provisions of the proviso to paragraph (2), the person must notify the NRA of the changed design and construction plan without delay after changing the design and construction plan; provided, however, that this does not apply to the cases specified by the rules of the NRA.

(Pre-Operational Inspection)

- Article 46 (1) A licensee of reprocessing activity must carry out an inspection regarding the reprocessing facilities to be installed or changed, and record and preserve the results of the inspection, as specified by the rules of the NRA.
- (2) In the inspection set forth in the preceding paragraph (hereinafter referred to as "pre-operational inspection" in the following paragraph and Article 50, paragraph (1)), the licensee must confirm that the reprocessing facilities comply with both of the following items:

- (i) that the construction work of the reprocessing facilities has been conducted in compliance with the design and construction plan for which the approval set forth in paragraph (1) or (2) of the preceding Article has been obtained (including a plan for which a minor change specified by the rules of the NRA as referred to in the proviso to the relevant paragraph has been made); and
  - (ii) that the reprocessing facilities comply with the technical criteria set forth in the following Article.
- (3) A licensee of reprocessing activity must not use the reprocessing facilities until after receiving the confirmation of the NRA through the nuclear regulatory inspection for pre-operational inspections that the reprocessing facilities comply with both of the items of the preceding paragraph, pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to the construction work set forth in the proviso to paragraph (1) of the preceding Article or in other cases specified by the rules of the NRA.

(Maintenance of Reprocessing Facilities)

Article 46-2 A licensee of reprocessing activity must maintain the reprocessing facilities to comply with the technical criteria specified by the rules of the NRA; provided, however, that this does not apply to the case in which the approval set forth in Article 50-5, paragraph (2) has been obtained (unless otherwise specified by the rules of the NRA)

(Periodic Licensee's Inspection)

Article 46-2-2 (1) A licensee of reprocessing activity must periodically carry out an inspection concerning the reprocessing facilities, and record and preserve the results of the inspection, as specified by the rules of the NRA.; provided, however, that this does not apply to the case in which the approval set forth in Article 50-5, paragraph (2) has been obtained (unless otherwise specified by the rules of the NRA).

- (2) In the inspection referred to in the preceding paragraph (referred to as "periodic licensee's inspection" in the following paragraph and Article 50, paragraph (1)), the licensee must confirm that the reprocessing facilities comply with the technical criteria set forth in the preceding Article.
- (3) When the periodic licensee's inspection is completed or when specified by the rules of the NRA, a licensee of reprocessing activity must report the fact to the NRA without delay.

(Notification of Commencement of Activity)

Article 46-3 When a licensee of reprocessing activity has commenced, suspended, or resumed the licensee's activity, the licensee must notify the NRA of the fact within fifteen days from the day concerned.

(Usage Plan)

Article 46-4 A licensee of reprocessing activity, pursuant to the provisions of the rules of the NRA, must create a usage plan for the reprocessing facilities, and notify the NRA of the plan. The same applies when changes are made to the plan; provided, however, that this does not apply when the approval set forth in Article 50-5, paragraph (2) has been obtained.

(Merger and Split)

Article 46-5 (1) In the case of a merger of corporations that are licensees of reprocessing activity (except in the case of a merger between a corporation that is a licensee of reprocessing activity and a corporation that is not a licensee of reprocessing activity, and where the corporation that is the licensee of reprocessing activity continues to exist) or in the case of a split of corporations that are licensees of reprocessing activity (limited to the case that the entirety of the reprocessing activity pertaining to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the reprocessing activity through the split is to succeed to the status of the licensee of reprocessing activity.

(2) The provisions of Article 44-2, paragraph (1), items (i) through (iii), item (v), and paragraph (2), and Article 44-3 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)

Article 46-6 (1) In the case of an inheritance with regard to a licensee of reprocessing activity, the heir is to succeed to the status of the licensee of reprocessing activity.

(2) The heir who has succeeded to the status of the licensee of reprocessing activity pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of Designation)

Article 46-7 (1) When a licensee of reprocessing activity fails to commence their activity within the period specified by the rules of the NRA, or suspends their activity for more than one year continuously, without legitimate grounds, the NRA may rescind the designation set forth in Article 44, paragraph (1).

(2) When a licensee of reprocessing activity falls under any of the following items, the NRA may rescind the designation set forth in Article 44, paragraph (1), or

specify a period not exceeding one year and order suspension of the activity for that period:

- (i) when a licensee of reprocessing activity comes to fall under any of Article 44-3, items (ii) through (iv);
- (ii) when the licensee has changed a particular for which the licensee is required to obtain permission pursuant to the provisions of Article 44-4, paragraph (1), without obtaining the permission;
- (iii) when the licensee has violated an order under the provisions of Article 49;
- (iv) when the licensee has violated the provisions of Article 50, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
- (v) when the licensee has violated an order under the provisions of Article 22-5 as applied mutatis mutandis pursuant to Article 50-2, paragraph (2);
- (vi) when the licensee has violated the provisions of Article 50-3, paragraph (1);
- (vii) when the licensee has violated an order under the provisions of Article 12-2, paragraph (3) as applied mutatis mutandis pursuant to Article 50-3, paragraph (2);
- (viii) when the licensee has violated the provisions of Article 12-2, paragraph (4) as applied mutatis mutandis pursuant to Article 50-3, paragraph (2);
- (ix) when the licensee has violated the provisions of Article 50-4, paragraph (1);
- (x) when the licensee has violated an order under the provisions of Article 12-5 as applied mutatis mutandis pursuant to Article 50-4, paragraph (2);
- (xi) when the licensee has discontinued the reprocessing activity in violation of the provisions of Article 50-5, paragraph (1);
- (xii) when the licensee has violated the provisions of Article 50-5, paragraph (2);
- (xiii) when the licensee has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;
- (xiv) when the licensee has violated the provisions of Article 59, paragraph (2), or has violated an order under the provisions of paragraph (4) of that Article;
- (xv) when the licensee has violated the provisions of Article 59-2, paragraph (2);
- (xvi) when the licensee has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provision of paragraph (3) of that Article;
- (xvii) when the licensee has violated the conditions set forth in Article 62-2, paragraph (1) or (2);
- (xviii) when the licensee has violated the provisions of Article 6 of the Act on Compensation for Nuclear Damage;
- (xix) when the licensee has violated an order under the provisions of Article 7, paragraph (4), Article 8, paragraph (5), Article 9, paragraph (7), Article 11,



paragraph (6), or Article 13-2, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 47 Pursuant to the provisions of the rules of the NRA, the licensee of reprocessing activity must record the particulars specified by the rules of the NRA concerning the execution of the reprocessing activity, and keep this record at the factory or place of activity.

(Measures to Be Taken for Operational Safety and Physical Security of Specified Nuclear Fuel Material)

Article 48 (1) A licensee of reprocessing activity, pursuant to the provisions of the rules of the NRA, must take necessary measures for operational safety concerning the following particulars (including the particulars concerning measures to be taken in the event of a severe accident):

- (i) maintenance of reprocessing facilities;
- (ii) operation of reprocessing equipment;
- (iii) transport, storage, or disposal of spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel (regarding transport and disposal, limited to transport or disposal carried out in the premises of the factory or place of activity where the reprocessing facilities have been installed; the same applies in paragraph (1) of the following Article).

(2) A licensee of reprocessing activity who handles specified nuclear fuel material at a factory or place of activity where reprocessing facilities have been installed, if specified by Cabinet Order, must take physical security measures pursuant to the provisions of the rules of the NRA.

(Suspension of the Use of Facilities)

Article 49 (1) When the NRA finds that the position, structure, or equipment of the reprocessing facilities does not comply with the criteria set forth in Article 44-2, paragraph (1), item (iv), that the reprocessing facilities do not comply with the technical criteria set forth in Article 46-2, or that the measures pertaining to the maintenance of reprocessing facilities, the operation of the reprocessing equipment, or the transport, storage, or disposal of spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (1) of the preceding Article, the NRA may order the licensee of reprocessing activity to suspend the use, modify, repair or change the location of the reprocessing facilities, designate a method for operating the reprocessing equipment or order other necessary measure for operational

safety to be taken.

- (2) When the NRA finds that the physical security measures are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (2) of the preceding Article, it may order the licensee of reprocessing activity to take corrective measures, etc.

(Safety Regulations)

Article 50 (1) A licensee of reprocessing activity, pursuant to the provisions of the rules of the NRA, must establish safety regulations (including rules concerning safety training for handling nuclear fuel material, pre-operational inspection, and periodic licensee's inspection; hereinafter the same applies in this Article) and obtain the approval of the NRA before commencing the construction work to install the reprocessing facilities. The same applies when making changes to the regulations.

- (2) When the NRA finds that the safety regulations fall under any of the following items, it must not grant the approval set forth in the preceding paragraph.
  - (i) that the safety regulations have not obtained the designation set forth in Article 44, paragraph (1), or have not obtained the permission set forth in Article 44-4, paragraph (1), or have not been notified pursuant to the provisions of paragraph (2) of that Article;
  - (ii) that the safety regulations are not sufficient for preventing disasters resulting from spent fuel, material separated from spent fuel, or material contaminated by the spent fuel or the material separated from spent fuel.
- (3) When the NRA finds that it is necessary for preventing disasters resulting from spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel, the NRA may order the licensee of reprocessing activity to change the safety regulations.
- (4) A licensee of reprocessing activity and their employees must observe the safety regulations.

(Chief Engineer of Nuclear Fuel)

Article 50-2 (1) A licensee of reprocessing activity, pursuant to the provisions of the rules of the NRA, must appoint a chief engineer of nuclear fuel from among the persons who have a license for chief engineer of nuclear fuel set forth in Article 22-3, paragraph (1) and have work experience specified by the rules of the NRA, to have the chief engineer of nuclear fuel supervise operational safety concerning the handling of nuclear fuel material.

- (2) The provisions of Article 22-2, paragraph (2), Article 22-4, and Article 22-5 apply mutandis mutatis to the chief engineer of nuclear fuel set forth in the preceding paragraph.

(Provisions for the Physical Security of Nuclear Materials)

Article 50-3 (1) In the case prescribed in the provisions of Article 48, paragraph (2), the licensee of reprocessing activity, pursuant to the provisions of the rules of the NRA, must establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.

(2) The provisions of Article 12-2, paragraph (2) through (4) apply mutatis mutandis to the provisions for the physical security of nuclear materials set forth in the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "Article 50-3, paragraph (1)" and the term "licensee of refining" in paragraphs (3) and (4) of that Article is deemed to be replaced with "licensee of reprocessing activity."

(Nuclear Material Physical Security Manager)

Article 50-4 (1) In the case prescribed in the provisions of Article 48, paragraph (2), the licensee of reprocessing activity, pursuant to the provisions of the rules of the NRA, must appoint a nuclear material physical security manager, from among the persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear materials physical security manager manage activity related to the physical security of specified nuclear fuel materials in a consistent manner.

(2) The provisions of Article 12-3, paragraph (2), Article 12-4, and Article 12-5 apply mutatis mutandis to the nuclear material physical security manager set forth in the preceding paragraph. In this case, the terms "licensee of refining" and "refining facilities" in these provisions are deemed to be replaced with "licensee of reprocessing activity" and "reprocessing facilities," respectively.

(Evaluation for Improving the Safety of Reprocessing Facilities)

Article 50-4-2 (1) The licensee of reprocessing activity, pursuant to the provisions of the rules of the NRA, must conduct self-evaluation of the safety of their reprocessing facilities at each time specified by the rules of the NRA for improving the safety of the reprocessing facilities; provided, however, that this does not apply to the case in which the approval set forth in Article 50-5, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

(2) The evaluation set forth in the preceding paragraph is conducted by investigating and analyzing the following particulars and making a

comprehensive evaluation of the safety of the reprocessing facilities as a whole, by taking into consideration the results of the investigation and analysis:

- (i) when having taken the following measures for the purpose of preventing the occurrence and extension of possible severe accidents at the reprocessing facilities (hereinafter referred to as "prevention, etc. of accidents" in this item), the relevant measures and the particulars concerning the effects of the measures for the prevention, etc. of accidents:
    - (a) installing equipment or apparatus that contribute to the prevention, etc. of accidents other than the equipment or apparatus specified in the technical criteria set forth in Article 46-2 as those required to be installed;
    - (b) developing a system for steadily taking measures for the prevention, etc. of accidents, such as through increasing the number of personnel for ensuring operational safety and enhancing safety training;
  - (ii) when there is a possibility of a severe accident occurring in spite of having taken the measures listed in sub-item (a) and (b) of the preceding item, the particulars concerning the possibility.
- (3) When a licensee of reprocessing activity has conducted the evaluation set forth in paragraph (1), the licensee must notify the NRA of the results of the evaluation, methods of investigation, analysis, and rating for the evaluation, and any other particulars specified by the rules of the NRA (referred to as the "results of the evaluation, etc." in paragraph (5)), pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to the case where the approval set forth in Article 50-5, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).
- (4) When the NRA finds that methods of investigation, analysis, and rating for the evaluation, among the particulars notified pursuant to the provisions of the preceding paragraph, do not comply with the methods specified by the rules of the NRA, the NRA may order the licensee of reprocessing activity who has made the notification to change the methods of investigation, analysis, or rating for the evaluation.
- (5) When a licensee of reprocessing activity has made a notification pursuant to the provisions of paragraph (3), the licensee is to make public the results of the evaluation, etc. that the licensee made a notification of, pursuant to the provisions of the rules of the NRA.

(Decommissioning Implementation Policy)

Article 50-4-3 (1) When a licensee of reprocessing activity intends to commence its activity, the licensee must create and make public the decommissioning implementation policy (hereinafter referred to as a "decommissioning implementation policy" in this Article) for implementing decommissioning measures (hereinafter referred to as "decommissioning measures" in this

Chapter) associated with the discontinuation of reprocessing activities specified by the rules of the NRA, including dismantlement of reprocessing facilities, transfer of spent fuel or material separated from spent fuel, removal of contamination caused by spent fuel, and disposal of material contaminated by the spent fuel or material separated from spent fuel.

- (2) In the decommissioning implementation policy, necessary particulars specified for implementing decommissioning measures, including the estimated amount of material contaminated by spent fuel to be disposed of or material separated from spent fuel, the estimated expense of decommissioning, and the methods of procurement of funds must be specified.
- (3) When a licensee of reprocessing activity makes changes to the decommissioning implementation policy, the licensee must make public the changed policy without delay.
- (4) Beyond what is provided for in the preceding three paragraphs, necessary particulars concerning the decommissioning implementation policy are specified by the rules of the NRA.

(Measures Associated with the Discontinuation of the Activity)

Article 50-5 (1) A licensee of reprocessing activity must take decommissioning measures when the licensee seeks to discontinue its activity.

- (2) When a licensee of reprocessing activity seeks to take decommissioning measures, the licensee must create a plan concerning the relevant decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.
- (3) The provisions of Article 12-6, paragraph (3) through (9) apply mutatis mutandis to the decommissioning measures of the licensee of reprocessing activity. In this case, the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 50-5, paragraph (2)"; the term "the preceding two paragraphs" in paragraph (4) of that Article is deemed to be replaced with "Article 50-5, paragraph (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of that Article is deemed to be replaced with "Article 50-5, paragraph (2)"; the phrase "nuclear fuel material or material contaminated by nuclear fuel material" in paragraph (7) of that Article is deemed to be replaced with "spent fuel, material separated from spent fuel, or material contaminated by the spent fuel or material separated from spent fuel"; and the term "Article 3, paragraph (1)" in paragraph (9) of that Article is deemed to be replaced with "Article 44, paragraph (1)."

(Measures Associated with the Rescission of Designation)

Article 51 (1) When a licensee of reprocessing activity has had their designation rescinded pursuant to the provisions of Article 46-7, or when a licensee of reprocessing activity has dissolved or died, and there is no inheritance pursuant to the provisions of Article 46-5, paragraph (1) or Article 46-6, paragraph (1), the former licensee of reprocessing activity, etc. (meaning the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir when the licensee of reprocessing activity who has had their permission rescinded pursuant to the provisions of Article 46-7 has dissolved or died, and there is no inheritance pursuant to the provisions of Article 46-5, paragraph (1) or Article 46-6, paragraph (1); the same applies hereinafter) is deemed to be the licensee of reprocessing activity regarding the application of the provisions of Article 46-2, Article 46-2-2, and Articles 47 through 50-4-2 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the rules of the NRA, the former licensee of reprocessing activity, etc. must create a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date the designation as a licensee of reprocessing activity was rescinded pursuant to the provisions of Article 46-7 or the date of dissolution or death of the licensee of reprocessing activity.

(3) The former licensee of reprocessing activity, etc. must not take decommissioning measures for the period until the former licensee obtains the approval set forth in the preceding paragraph.

(4) The provisions of Article 12-7, paragraphs (4) through (9) apply mutatis mutandis to decommissioning measures of the former licensee of reprocessing activity, etc., and the provisions of Article 22-9, paragraph (4) apply mutatis mutandis to the former licensee of reprocessing activity, etc. In this case, the term "paragraph (2)" in these provisions is deemed to be replaced with "Article 51, paragraph (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7, paragraph (5) is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 50-5, paragraph (3)"; the phrase "nuclear fuel material or material contaminated by nuclear fuel material" in paragraph (8) of that Article is deemed to be replaced with "spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel"; the term "paragraph (8) of the preceding Article" in paragraph (9) of that Article is deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 50-5, paragraph (3)"; the term "paragraph (1)" in Article 22-9, paragraph (4) is deemed to be replaced with "Article 51, paragraph (1)," the term "licensee of fabrication or enrichment activity" is deemed to be replaced

with "licensee of reprocessing activity" and the term "Article 16-4, Article 16-5, and Article 22-7-2" is deemed to be replaced with "Article 46-2, Article 46-2-2, and Article 50-4-2."

## **Chapter VII Regulation on the Activities of Radioactive Waste Disposal and Storage**

### **Section 1 Regulation on the Activities of Radioactive Waste Disposal and Storage**

(Permission for the Activity)

Article 51-2 (1) A person who intends to carry out the activity of radioactive waste disposal or storage (excluding disposal carried out by a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, operator of a foreign nuclear vessel, licensee of power reactor operations, licensee of spent fuel storage activity, licensee of reprocessing activity and a person who has obtained the permission set forth in Article 52, paragraph (1) at a refining facility, fuel fabrication facility, research and test reactor facility, power reactor facility, spent fuel storage facility, reprocessing facility or disposal facility prescribed in item (ix) of the same paragraph that is associated with a usage facility prescribed in paragraph (2), item (vii) of the same Article) activity falling under any of the following items, for each category of waste listed in the following items, must obtain the permission of the NRA pursuant to the provisions of Cabinet Order:

- (i) final disposal by burial of nuclear fuel material or material contaminated by nuclear fuel material, where the radioactivity concentration of the radioactive materials specified by Cabinet Order contained in those materials exceed the criteria (referred to as "Category 1 waste" in the following item) specified by Cabinet Order for each type of radioactive materials as those which are likely to cause serious effects on human health (hereinafter referred to as "Category 1 waste burial");
- (ii) final disposal by burial (hereinafter referred to as "Category 2 waste burial") of nuclear fuel material or material contaminated by nuclear fuel material other than Category 1 waste (referred to as "Category 2 waste" in Article 51-24-2, paragraph (1));
- (iii) storage for the purpose of preventing radiation hazards which is to be conducted, for the period until the commencement of Category 1 waste burial and Category 2 waste burial (hereinafter collectively referred to as "waste burial") or other final disposal regarding nuclear fuel material or material contaminated by nuclear fuel material, or the handling or treatment specified by Cabinet Order (hereinafter referred to as "radioactive waste storage").

- (2) A person who has obtained the permission for Category 1 waste burial activity (hereinafter referred to as "licensee of Category 1 waste burial activity") pursuant to the provisions of the preceding paragraph may carry out Category 2 waste burial on the site of Category 1 waste burial facilities (the waste burial facilities relating to Category 1 waste burial activity (waste burial site and its auxiliary facilities; the same applies hereinafter); the same applies in Article 51-6, paragraph (1) and Article 51-7, paragraph (1)) without obtaining the permission for Category 2 waste burial activity prescribed in the provisions of the preceding paragraph.
- (3) A person who seeks to obtain the permission set forth in paragraph (1) must submit an application form stating the following items to the NRA:
- (i) the name and address of the applicant and, in the case of a corporation, the name of its representative;
  - (ii) the name and location of the place where the waste burial facilities or equipment for radioactive waste storage and auxiliary facilities (hereinafter referred to as "waste storage facility") are to be installed;
  - (iii) the property and amount of the nuclear fuel material or material contaminated by nuclear fuel material that are to be disposed of;
  - (iv) the position, structure, and equipment of the waste burial facilities or waste storage facilities, and the method of disposal;
  - (v) the scheduled time for changing the measures required to be taken for the operational safety of Category 2 waste burial in accordance with the attenuation of radioactivity for a person who seeks to obtain the permission for Category 2 waste burial activity;
  - (vi) a construction plan for the waste burial facilities or waste storage facilities;
  - (vii) the particulars concerning the development of the system necessary for quality management related to the activity for operational safety of waste burial facilities or waste storage facilities.

(Criteria for the Permission)

Article 51-3 In the case that an application for the permission set forth in paragraph (1) of the preceding Article is made, the NRA must not grant the permission set forth in that paragraph unless it finds that the application complies with all of the following items:

- (i) that the applicant has sufficient technical capability and financial basis for executing the activity competently; and
- (ii) that the position, structure, and equipment of the waste burial facilities or waste storage facilities comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material; and



(iii) the system prescribed in paragraph (3), item (vii) of the preceding Article complies with the criteria specified by the rules of the NRA.

(Ineligibility for the Permission)

Article 51-4 A person who falls under any of the following items is not granted the permission set forth in Article 51-2, paragraph (1):

- (i) a person whose permission set forth in Article 51-2, paragraph (1) has been rescinded pursuant to the provisions of Article 51-14, paragraph (2), and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder; or
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Permission for and Notification of Changes)

Article 51-5 (1) When a person who has obtained the permission set forth in Article 51-2, paragraph (1) (hereinafter referred to as "licensee of radioactive waste disposal or storage activity") seeks to change any particular listed in paragraph (3), items (ii) through (v), or item (vii) of the relevant Article, the person must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order; provided, however, that this does not apply to making a change to, from among the particulars listed in item (ii) of the same paragraph, only the name of the place of activity.

(2) When a licensee of radioactive waste disposal or storage activity has changed any particular listed in Article 51-2, paragraph (3), item (i) or (vi), except for the case prescribed in Article 51-13, paragraph (1), the licensee must notify the NRA of the change within thirty days from the day the change was made. The same applies to a change made to, from among the particulars listed in item (ii) of the same paragraph, only the name of the place of activity.

(3) The provisions of Article 51-3 apply mutatis mutandis to the permission set forth in paragraph (1).

(Confirmation Concerning Waste Burial)

Article 51-6 (1) When a person who has obtained the permission for conducting waste burial activity pursuant to the provisions of Article 51-2, paragraph (1) (hereinafter referred to as "licensee of waste burial activity") carries out waste

burial activity, the person must obtain the confirmation of the NRA, pursuant to the provisions of the rules of the NRA, as to the compliance of the person's waste burial facilities (excluding the specified Category 1 waste burial facilities prescribed in paragraph (1) of the following Article for Category 1 waste burial facilities) and the compliance of the related operational safety measures with the technical criteria specified by the rules of the NRA.

- (2) When a licensee of waste burial activity carries out waste burial, the licensee must obtain the confirmation of the NRA, pursuant to the provisions of the rules of the NRA, as to the compliance of the nuclear fuel material or the material contaminated by nuclear fuel material to be disposed of and the compliance of related operational safety measures with the technical criteria specified by the rules of the NRA.

(Approval of Design and Construction Plan)

Article 51-7 (1) A licensee of Category 1 waste burial activity or licensee of radioactive waste storage activity (meaning a person who has obtained the permission for waste storage activity pursuant to the provisions of Article 51-2, paragraph (1); the same applies hereinafter) who seeks to carry out construction work to install or modify Category 1 waste burial facilities specified by Cabinet Order (hereinafter referred to as "specified Category 1 waste burial facilities") or waste storage facilities specified by Cabinet Order (hereinafter referred to as "specified waste storage facilities") (except for those specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear fuel material, or material contaminated by nuclear fuel material) must obtain the approval of the NRA regarding the design and the construction plan including the construction method (hereinafter referred to as "design and construction plan" in this Article and paragraph (2), item(i) of the following Article) as specified by the rules of the NRA before commencing the construction work; provided, however, that this does not apply to unavoidable temporary work to be implemented in the event of loss of or damage to a part of the specified Category 1 waste burial facilities or the specified waste storage facilities, or in the event of disasters or other emergencies.

- (2) When a person who has been granted the approval prescribed in the preceding Article seeks to change the design and construction plan, the person must obtain the approval of the NRA pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to a minor change specified by the rules of the NRA.
- (3) When the NRA finds that the application for the approval set forth in the preceding two paragraphs comply with both of the following items, it must grant the approval set forth in the preceding two paragraphs:

- (i) that the design and construction plan of the Category 1 specified waste burial facilities or specified waste storage facilities have obtained the permission set forth in Article 51-2, paragraph (1) or Article 51-5, paragraph (1), or have been notified pursuant to the provisions of paragraph (2) of the relevant Article;
  - (ii) that the specified Category 1 waste burial facilities or specified waste storage facilities comply with the technical criteria set forth in Article 51-9.
- (4) When a licensee of Category 1 waste burial activity or licensee of radioactive waste storage activity performs unavoidable temporary construction work pursuant to the provisions of the proviso to paragraph (1), the licensee must notify the NRA of the fact after commencing the construction work, without delay.
- (5) When a person who has been granted the approval prescribed in paragraph (1) makes a minor change specified by the rules of the NRA to the design and construction plan pursuant to the provisions of the proviso to paragraph (2), the person must notify the NRA of the changed design and construction plan after changing the plan, without delay; provided, however, that this does not apply to cases specified by the rules of the NRA.

(Pre-Operational Inspection)

- Article 51-8 (1) A licensee of Category 1 waste burial activity or licensee of radioactive waste storage activity must carry out an inspection regarding the specified Category 1 waste burial facilities or specified waste storage facilities to be installed or changed, and record and preserve the results of the inspection pursuant to the provisions of the rules of the NRA.
- (2) In the inspection set forth in the preceding paragraph (hereinafter referred to as "pre-operational inspection" in the following paragraph and Article 51-18, paragraph (1)), the licensee must confirm that the specified Category 1 waste burial facilities or specified waste storage facilities comply with both of the following items.
- (i) that the construction work for the Category 1 waste burial facilities or specified waste storage facilities has been conducted in compliance with the design and construction plan for which the approval set forth in paragraph (1) or (2) of the preceding Article has been obtained (including a plan for which a minor change specified by the rules of the NRA as referred to in the proviso to the relevant paragraph has been made); and
  - (ii) that the Category 1 waste burial facilities or specified waste storage facilities comply with the technical criteria set forth in the following Article.
- (3) A licensee of Category 1 waste burial activity or licensee of radioactive waste storage activity must not use the specified Category 1 waste burial facilities or specified waste storage facilities until after obtaining confirmation from the

NRA through the nuclear regulatory inspection for the pre-operational inspection specified by the rules of the NRA that the specified Category 1 waste burial facilities or specified waste storage facilities comply with both of the items of the preceding paragraph, pursuant to the rules of the NRA; provided, however, that this does not apply to the case in which construction work set forth in the proviso to paragraph (1) of the preceding Article has been conducted or other cases specified by the rules of the NRA.

(Maintenance of Specified Category 1 Waste Burial Facilities)

Article 51-9 A licensee of Category 1 waste burial activity or licensee of radioactive waste storage activity must maintain the specified Category 1 waste burial facilities or specified waste storage facilities to comply with the technical criteria specified by the rules of the NRA; provided, however, that this does not apply to facilities related to the plan for which the approval set forth in Article 51-24-2, paragraph (1) or Article 51-25, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

(Periodic Licensee's Inspection)

Article 51-10 (1) A licensee of Category 1 waste burial activity or licensee of radioactive waste storage activity must periodically conduct an inspection concerning the specified Category 1 waste burial facilities or specified waste storage facilities, and record and preserve the results of the inspection, as specified by the rules of the NRA; provided, however, that this does not apply to facilities related to the plan for which the approval set forth in Article 51-24-2, paragraph (1) or Article 51-25, paragraph (2) has been obtained (except for the cases specified by the rules of the NRA).

(2) In the inspection referred to in the preceding paragraph (referred to as "periodic licensee's inspection" in the following paragraph and Article 51-18, paragraph (1)), the licensee must confirm that the specified Category 1 waste burial facilities or specified waste storage facilities comply with the technical criteria set forth in the preceding Article.

(3) When the periodic licensee's inspection is completed or when otherwise specified by the rules of the NRA, a licensee of Category 1 waste burial activity or licensee of radioactive waste storage activity must report the fact to the NRA without delay.

(Notification of Commencement of the Activity)

Article 51-11 When a licensee of radioactive waste disposal or storage activity has commenced, suspended, or resumed its activity, the licensee must notify the NRA of the fact within fifteen days from the day concerned.

(Merger and Split)

Article 51-12 (1) In the case of a merger of corporations that are licensees of radioactive waste disposal or storage activity (except in the case of a merger between a corporation that is a licensee of radioactive waste disposal or storage activity and a corporation that is not a licensee of radioactive waste disposal or storage activity, and where the corporation that is a licensee of radioactive waste disposal or storage activity continues to exist) or in the case of a split of corporations that are licensees of radioactive waste disposal or storage activity (limited to the case that the entirety of the radioactive waste disposal or storage activity pertaining to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the radioactive waste disposal or storage activity through the split is to succeed to the status of the licensee of radioactive waste disposal or storage activity.

(2) The provisions of Article 51-3, items (i) and (iii), and Article 51-4 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)

Article 51-13 (1) In the case of an inheritance with regard to a licensee of radioactive waste disposal or storage activity, the heir is to succeed to the status of the licensee of radioactive waste disposal or storage activity.

(2) The heir who has succeeded to the status of the licensee of radioactive waste disposal or storage activity pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of the Permission)

Article 51-14 (1) When a licensee of radioactive waste disposal or storage activity fails to commence their activity within the period specified by the rules of the NRA, or suspends their activity for more than one year continuously, without legitimate grounds, the NRA may rescind the permission set forth in Article 51-2, paragraph (1).

(2) When a licensee of radioactive waste disposal or storage activity falls under any of the following items, the NRA may rescind the permission set forth in Article 51-2, paragraph (1), or specify a period not exceeding one year and order suspension of the activity for that period:

(i) when a licensee of radioactive waste disposal or storage activity falls under any of Article 51-4, items (ii) through (iv);

(ii) when the licensee has changed a particular for which the licensee is

- required to obtain permission pursuant to the provisions of Article 51-5, paragraph (1), without obtaining the permission;
- (iii) when the licensee has violated the provisions of Article 51-6;
  - (iv) when the licensee has violated an order under the provisions of Article 51-17;
  - (v) when the licensee has violated the provisions of Article 51-18, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
  - (vi) when the licensee has violated an order under the provisions of Article 51-22;
  - (vii) when the licensee has violated an order under the provisions of Article 51-23, paragraph (1);
  - (viii) when the licensee has violated an order under the provisions of Article 12-2, paragraph (3) as applied mutatis mutandis pursuant to Article 51-23, paragraph (2);
  - (ix) when the licensee has violated the provisions of Article 12-2, paragraph (4) as applied mutatis mutandis pursuant to Article 51-23, paragraph (2);
  - (x) when the licensee has violated the provisions of Article 51-24, paragraph (1);
  - (xi) when the licensee has violated an order under the provisions of Article 12-5 as applied mutatis mutandis pursuant to Article 51-24, paragraph (2);
  - (xii) when the licensee has violated the provisions of Article 51-24-2, paragraph (1) or (2);
  - (xiii) when the licensee has discontinued its radioactive waste disposal or storage activity in violation of the provisions of Article 51-25, paragraph (1);
  - (xiv) when the licensee has violated the provisions of Article 51-25, paragraph (2);
  - (xv) when the licensee has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;
  - (xvi) when the licensee has violated the provisions of Article 59, paragraph (2), or has violated an order under the provisions of paragraph (4) of that Article;
  - (xvii) when the licensee has violated the provisions of Article 59-2, paragraph (2);
  - (xviii) when the licensee has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
  - (xix) when the licensee has violated the conditions set forth in Article 62-2, paragraph (1) or (2);
  - (xx) when the licensee has violated the provisions of Article 6 of the Act on Compensation for Nuclear Damage; or
  - (xxi) when the licensee has violated an order under the provisions of Article 7,

paragraph (4), Article 8, paragraph (5), Article 9, paragraph (7), Article 11, paragraph (6), or Article 13-2, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 51-15 Pursuant to the provisions of the rules of the NRA, the licensee of radioactive waste disposal or storage activity must record the particulars specified by the rules of the NRA concerning the execution of the waste burial activity or radioactive waste storage activity, and keep this record at the place of activity.

(Measures to Be Taken for Operational Safety and Physical Security of Specified Nuclear Fuel Material)

Article 51-16 (1) A licensee of Category 1 waste burial activity, pursuant to the provisions of the rules of the NRA, must take necessary measures for operational safety concerning the following particulars:

- (i) maintenance of waste burial facilities;
- (ii) operation of equipment pertaining to auxiliary facilities at waste burial sites (referred to as "auxiliary equipment" in paragraph (1) of the following Article);
- (iii) transport or disposal of nuclear fuel material or material contaminated by nuclear fuel material (limited to transport or disposal carried out in the premises of the place of activity where the waste burial facilities have been installed).

(2) A person who has obtained the permission for the Category 2 waste burial activity pursuant to the provisions of Article 51-2, paragraph (1) (hereinafter referred to as "licensee of Category 2 waste burial activity") must take the necessary measures for operational safety concerning the following particulars, as specified by the rules of the NRA in accordance with the attenuation of radioactivity of nuclear fuel material or material contaminated by nuclear fuel material:

- (i) maintenance of waste burial facilities;
- (ii) transport or disposal of nuclear fuel material or material contaminated by nuclear fuel material (limited to transport or disposal carried out in the premises of the place of activity where waste burial facilities have been installed).

(3) A licensee of radioactive waste storage activity, pursuant to the provisions of the rules of the NRA, must take necessary measures for operational safety concerning the following particulars:

- (i) maintenance of waste storage facilities;
- (ii) operation of equipment for radioactive waste storage;

- (iii) transport or disposal of nuclear fuel material or material contaminated by nuclear fuel material (limited to transport or disposal carried out in the premises of the place of activity where waste storage facilities have been installed).
- (4) A licensee of radioactive waste disposal or storage activity who handles specified nuclear fuel material at the place of activity where waste burial facilities or waste storage facilities have been installed, if specified by Cabinet Order, must take physical security measures pursuant to the provisions of the rules of the NRA.

(Suspension of the Use of Facilities)

Article 51-17 (1) When the NRA finds that the position, structure, or equipment of the specified Category 1 waste burial facilities or specified waste storage facilities do not comply with the criteria set forth in Article 51-3, item (ii), that the specified Category 1 waste burial facilities or specified waste storage facilities do not comply with the technical criteria set forth in Article 51-9, or that the measures pertaining to the maintenance of waste burial facilities or waste storage facilities, the operation of the auxiliary equipment or equipment for radioactive waste disposal or storage, or the transport or disposal of nuclear fuel material or material contaminated by nuclear fuel material (limited to transport or disposal carried out in the premises of the place of activity where waste burial facilities or waste storage facilities have been installed) are in violation of the provisions of the rules of the NRA based on the provisions of paragraphs (1) through (3) of the preceding Article, the NRA may order the relevant licensee of radioactive waste disposal or storage activity to suspend the use, modify, repair or change the location of the waste burial facilities or waste storage facilities, designate a method for operating the auxiliary equipment or waste storage equipment, or order other necessary measures for operational safety to be taken.

- (2) When the NRA finds that the physical security measures are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (4) of the preceding Article, it may order the relevant licensee of radioactive waste disposal or storage activity to take corrective measures, etc.

(Safety Regulations)

Article 51-18 (1) A licensee of radioactive waste disposal or storage activity, pursuant to the provisions of the rules of the NRA, must establish safety regulations (including rules concerning safety training for handling nuclear fuel material, and rules concerning pre-operational inspection and periodic licensee's inspection; hereinafter the same applies in this Article) and before commencing construction work to install waste burial facilities or waste



storage facilities, obtain the approval of the NRA. The same applies when making changes to the regulations.

- (2) When the NRA finds that the safety regulations fall under any of the following items, it must not grant the approval set forth in the preceding paragraph:
  - (i) that the safety regulations have not obtained the permission set forth in Article 51-2, paragraph (1) or Article 51-5, paragraph (1), or have not been notified pursuant to the provisions of paragraph (2) of the relevant Article; or
  - (ii) that the safety regulations are not sufficient for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material.
- (3) When the NRA finds that it is necessary for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, the NRA may order the licensee of radioactive waste disposal or storage activity to change the safety regulations.
- (4) A licensee of radioactive waste disposal or storage activity and their employees must observe the safety regulations.

(Acquiring Waste Disposal Site)

- Article 51-19 (1) A person who seeks to acquire a waste burial site or the entire facilities that include a waste burial site from a licensee of waste burial activity who has installed the site or the facilities must obtain the permission of the NRA pursuant to the provisions of Cabinet Order.
- (2) The provisions of Article 51-3 and Article 51-4 apply mutatis mutandis to the permission set forth in the preceding paragraph.
  - (3) A person who, with the permission set forth in paragraph (1), has acquired a waste burial site or the entire facilities that include a waste burial site from a licensee of waste burial activity who has installed the site or the facilities is to succeed to the status of the licensee of waste burial activity with respect to the relevant waste burial site.

(Chief Engineer of Radioactive Waste)

- Article 51-20 (1) A licensee of radioactive waste disposal or storage activity, pursuant to the provisions of the rules of the NRA, must appoint a chief engineer of radioactive waste from among the persons who have a license for chief engineer of nuclear fuel as set forth in Article 22-3, paragraph (1) and persons who possess the qualifications specified by the rules of the NRA, to have the chief engineer of radioactive waste supervise operational safety concerning the handling of nuclear fuel material or material contaminated by nuclear fuel material.
- (2) When a licensee of radioactive waste disposal or storage activity has

appointed a chief engineer of radioactive waste pursuant to the provisions of the preceding paragraph, the licensee must notify the NRA of the appointment within thirty days of the date of appointment. The same applies to the dismissal of the chief engineer of radioactive waste.

(Duties of the Chief Engineer of Radioactive Waste)

Article 51-21 (1) The chief engineer of radioactive waste must perform their duties related to the handling of nuclear fuel material or material contaminated by nuclear fuel material in the waste burial or radioactive waste storage in good faith.

(2) A person who is engaged in the handling of nuclear fuel material or material contaminated by nuclear fuel material in the waste burial or radioactive waste storage activity must comply with the instructions for operational safety in handling the nuclear fuel material or material contaminated by nuclear fuel material given by the chief engineer of radioactive waste.

(Order to Dismiss the Chief Engineer of Radioactive Waste)

Article 51-22 When a chief engineer of radioactive waste has violated the provisions of this Act or an order based on this Act, the NRA may order the relevant licensee of radioactive waste disposal or storage activity to dismiss the chief engineer of radioactive waste.

(Provisions for the Physical Security of Nuclear Materials)

Article 51-23 (1) In the case prescribed in the provisions of Article 51-16, paragraph (4), the licensee of radioactive waste disposal or storage activity, pursuant to the provisions of the rules of the NRA, must establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.

(2) The provisions of Article 12-2, paragraphs (2) through (4) apply mutatis mutandis to the provisions for the physical security of nuclear materials set forth in the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "Article 51-23, paragraph (1)" and the term "licensee of refining" in paragraphs (3) and (4) of that Article is deemed to be replaced with "licensee of radioactive waste disposal or storage activity."

(Nuclear Material Physical Security Manager)

Article 51-24 (1) In the case prescribed in the provisions of Article 51-16, paragraph (4), the licensee of radioactive waste disposal or storage activity, pursuant to the provisions of the rules of the NRA, must appoint a nuclear

materials physical security manager, from among the persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear materials physical security manager manage the activity related to the physical security of specified nuclear fuel material in a consistent manner.

- (2) The provisions of Article 12-3, paragraph (2), Article 12-4, and Article 12-5 apply mutatis mutandis to the nuclear material physical security manager set forth in the preceding paragraph. In this case, the terms "licensee of refining" and "refining facilities" in these provisions are deemed to be replaced with "licensee of radioactive waste disposal or storage activity" and "waste burial facilities or waste storage facilities," respectively.

(Measures Associated with the Closure of Tunnels)

Article 51-24-2 (1) When a licensee of waste disposal activity seeks to close a tunnel for waste burial activities (Category 2 waste burial activities are limited to final disposal by burial of the Category 2 waste whose radioactivity concentration of radioactive materials contained in them exceed the criteria specified by the rules of the NRA for each type of the radioactive material as one that is likely to have health effects; the same applies in Article 51-27, paragraph (1)), the licensee, pursuant to the provisions of the rules of the NRA, must draw up a plan in advance related to the backfilling of the tunnel, blocking of the tunnel opening, and any other measures specified by the rules of the NRA (hereinafter referred to as "closure measures") (hereinafter the plan is referred to as "closure plan") regarding the relevant tunnel, and obtain the approval of the NRA.

- (2) A person who has been granted the approval prescribed in the preceding paragraph, pursuant to the provisions of the rules of the NRA, must obtain the confirmation of the NRA for each process of the closure of a tunnel as specified by the rules of the NRA that the closure measures that are being taken in compliance with the closure plan for which the approval set forth in the preceding paragraph was obtained (the changed closure plan in the case that there has been an approval or a notification regarding the change pursuant to the provisions of Article 12-6, paragraph (3) or (5) as applied mutatis mutandis pursuant to the following paragraph).
- (3) The provisions of Article 12-6, paragraphs (3) through (7) apply mutatis mutandis to the closure measures by a person who has been granted the approval prescribed in paragraph (1). In this case, the term "decommissioning plan" in these provisions is deemed to be replaced with "closure plan"; the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 51-24-2, paragraph (1)"; the term "the preceding two paragraphs" in paragraph (4) of that Article is deemed to be replaced with

"Article 51-24-2, paragraph (1) and the preceding paragraph"; and the term "paragraph (2)" in paragraphs (5) and (6) of the relevant Article is deemed to be replaced with "Article 51-24-2, paragraph (1)."

(Decommissioning Implementation Policy)

- Article 51-24-3 (1) When a licensee of radioactive waste disposal or storage activity seeks to commence their activity, the licensee must create and make public the decommissioning implementation policy (hereinafter referred to as "decommissioning implementation policy" in this Article) for implementing the measures (hereinafter referred to as "decommissioning measures" in this Section) associated with the discontinuation of waste disposal or storage activity specified by the rules of the NRA, including dismantlement of auxiliary facilities or waste storage facilities in the waste burial site, removal of contamination caused by nuclear fuel material, and disposal of material contaminated by nuclear fuel material.
- (2) In the decommissioning implementation policy, necessary particulars for implementing the decommissioning measures including the expected amount of material contaminated by nuclear fuel material to be disposed, the estimated cost of decommissioning measures, and the methods of procurement of funds must be specified.
- (3) When a licensee of radioactive waste disposal or storage activity makes changes to the decommissioning implementation policy, the licensee is to make public the changed policy without delay.
- (4) Beyond what is provided for in the preceding three paragraphs, necessary particulars concerning the decommissioning implementation policy are specified by the rules of the NRA

(Measures Associated with the Discontinuation of the Activity)

- Article 51-25 (1) A licensee of radioactive waste disposal or storage activity, must take decommissioning measures when the licensee seeks to discontinue its activity..
- (2) When a licensee of radioactive waste disposal or storage activity seeks to take decommissioning measures, the licensee must create a plan concerning the relevant decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.
- (3) The provisions of Article 12-6, paragraphs (3) through (9) apply mutatis mutandis to the decommissioning measures of the licensee of radioactive waste disposal or storage activity. In this case, the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 51-25, paragraph (2)"; the term "the preceding two paragraphs" in paragraph (4) of

that Article is deemed to be replaced with "Article 51-25, paragraph (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of that Article is deemed to be replaced with "Article 51-25, paragraph (2)"; and the term "designation set forth in Article 3, paragraph (1)" in paragraph (9) of that Article is deemed to be replaced with "permission set forth in Article 51-2, paragraph (1)."

(Measures Associated with Rescission of the Permission)

- Article 51-26 (1) When a licensee of radioactive waste disposal or storage activity has had their permission rescinded pursuant to the provisions of Article 51-14, or when a licensee of radioactive waste disposal or storage activity has dissolved or died, and there is no inheritance pursuant to the provisions of Article 51-12, paragraph (1) or Article 51-13, paragraph (1), the former licensee of radioactive waste disposal or storage activity, etc. (meaning the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir when the licensee of radioactive waste disposal or storage activity who has had their permission rescinded pursuant to the provisions of Article 51-14 has dissolved or died, and there is no inheritance pursuant to the provision of Article 51-12, paragraph (1) or Article 51-13, paragraph (1); the same applies hereinafter) is deemed to be the licensee of radioactive waste disposal or storage activity regarding the application of the provisions of Article 51-9, Article 51-10, Articles 51-15 through 51-18, Articles 51-20 through 51-24-2, and Article 51-29 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.
- (2) Pursuant to the provisions of the rules of the NRA, the former licensee of radioactive waste disposal or storage activity, etc. must create a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date that the licensee's designation as a licensee of radioactive waste disposal or storage activity was rescinded pursuant to the provisions of Article 51-14 or the date of dissolution or death of the licensee of radioactive waste disposal or storage activity.
- (3) The former licensee of radioactive waste disposal or storage activity, etc. must not take decommissioning measures for the period until the licensee obtains the approval set forth in the preceding paragraph.
- (4) The provisions of Article 12-7, paragraphs (4) through (9) apply mutatis mutandis to the decommissioning measures of former licensee of radioactive waste disposal or storage activity, etc., and the provisions of Article 22-9, paragraph (4) and Article 51-28 apply mutatis mutandis to the former licensee of radioactive waste disposal or storage activity, etc. (excluding the persons

concerned with the licensee of Category 2 waste burial activity pursuant to the provisions of the relevant paragraph). In this case, the term "paragraph (2)" in these provisions is deemed to be replaced with "Article 51-26, paragraph (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7, paragraph (5) is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 51-25, paragraph (3)"; the term "paragraph (8) of the preceding Article" in paragraph (9) of that Article is deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 51-25, paragraph (3)"; the terms "paragraph (1)," "licensee of fabrication or enrichment activity," and "Article 16-4, Article 16-5, and Article 22-7-2" in Article 22-9, paragraph (4) are deemed to be replaced with "Article 51-26, paragraph (1)," "licensee of radioactive waste disposal or storage activity (excluding the licensee of Category 2 waste burial activity)," and "Article 51-9 and Article 51-10", respectively; and the term "Article 12-6, paragraph (8) as applied mutatis mutandis pursuant to Article 51-25, paragraph (3)" in Article 51-28, paragraph (1) is deemed to be replaced with "Article 12-7, paragraph (9) as applied mutatis mutandis to Article 51-26, paragraph (4)."

## **Section 2 Regulation on Designated Waste Burial Areas**

(Designation of Areas)

- Article 51-27 (1) The NRA must designate the three-dimensional areas that specify the site of the waste burial facilities and its surrounding areas, and a certain area of the underground of the facilities and the areas before commencing the waste burial activities.
- (2) When the NRA designates the three-dimensional areas set forth in the preceding paragraph (hereinafter referred to as "designated waste burial areas"), the NRA must issue public notice of the designation and the areas in the Official Gazette.
- (3) The designation of designated waste burial areas becomes effective upon the issue of the public notice pursuant to the provisions of the preceding paragraph.
- (4) The provisions of the preceding two paragraphs apply mutatis mutandis to the cancellation of the designation of designated waste burial areas and the changes of those areas.

(Submission of Records)

- Article 51-28 (1) When a licensee of waste burial activity has received confirmation pursuant to the provisions of Article 12-6, paragraph (8) as applied mutatis mutandis pursuant to Article 51-25, paragraph (3), the licensee must record the particulars specified by the rules of the NRA

regarding the designated waste burial areas and submit the record to the NRA.  
(2) The NRA must make public the records submitted under the provisions of the preceding paragraph and preserve them permanently.

(Prohibition of Excavation)

Article 51-29 (1) In the designated waste burial areas, the land must not be excavated without the permission from the NRA; provided, however, that this does not apply to the excavation of land conducted in the designated waste burial areas by the licensee of waste burial activity that has installed the waste burial facilities pertaining to the designated waste burial areas as their activity.

(2) The NRA must not grant the permission under the preceding paragraph for excavation of land referred to in the main text of that paragraph that does not comply with the criteria prescribed in the rules of the NRA.

(Order of Suspension)

Article 51-30 When the NRA finds it necessary for preventing disasters to be caused by nuclear fuel material or material contaminated by nuclear fuel material, it may order a person who has violated paragraph (1) of the preceding Article, or a person who has violated the conditions set forth Article 62-2, paragraph (1) attached to the permission under the preceding Article, to suspend the act, restore the original conditions by specifying a reasonable period, or take other necessary measures in lieu of the restoration if the restoration to the original state is extremely difficult.

(Report and On-Site Inspection)

Article 51-31 (1) The NRA may request, to the extent necessary for enforcing the provisions of this Section, to have the person who has obtained the approval set forth in Article 51-29, paragraph (1) submit a report on the progress of the excavation and other necessary particulars, or its staff member to enter the office, factory, or place of activity and inspect the progress of the excavation, or books, documents, or any other necessary articles, and question the relevant person, submit samples limited to the minimum amount necessary for tests, or investigate the impact of the excavation on nuclear fuel material or material contaminated by nuclear fuel material.

(2) When the NRA staff member makes an entry pursuant to the provisions of the preceding paragraph, the staff member must carry an identification card and produce it when requested by the relevant persons.

(3) The authority under the provisions of paragraph (1) must not be construed as being granted for the purpose of criminal investigation.

(Special Provisions on the State)

Article 51-32 It is not necessary for the State or local governments to obtain the approval set forth in Article 51-29, paragraph (1) for the excavation of land. In this case, when the State or local governments seeks to conduct the excavation, the State must consult with the NRA, and the local governments must consult with the NRA and obtain its consent, in advance.

(Field Investigation)

Article 51-33 (1) With regard to the designation of designated waste burial areas or extension of those areas, the NRA may request its staff member to enter another person's land, install a sign, survey the areas, fell or remove trees and bamboos, hedges, or fences that would interfere with the field investigation, when it is necessary for the field investigation.

(2) When the NRA seeks to have the staff member perform acts under the provisions of the preceding paragraph, the NRA must notify the land owner or the possessor (the possessor if the owner's address is unknown; hereinafter the same applies in this paragraph.) and the owners and possessors of trees and bamboos, hedges, or fences, in advance, and provide the owner or the possessor with an opportunity to submit a written opinion.

(3) The NRA staff referred to in paragraph (1) must not enter the residential land or the land surrounded by hedges, fences, etc. before sunrise and after sunset.

(4) The NRA staff referred to in paragraph (1) must carry an identification card and produce it when requested by the relevant persons.

(5) The owner or the possessor of land, trees and bamboo, or hedges, fences, etc. must not refuse or obstruct entry or other acts under the provisions of paragraph (1) without legitimate grounds.

(Arbitration of Environmental Dispute Coordination Commission)

Article 51-34 (1) A person, who is dissatisfied with the disposition given by the NRA pursuant to the provisions of Article 51-29, paragraph (1), may apply for the arbitration of the Environmental Dispute Coordination Commission if the grounds for the relevant dissatisfaction relate to the coordination with the mining, stone quarrying, or sand and gravel quarrying industry. In this case, the person may not request for administrative review.

(2) The provisions of Article 22 of Administrative Complaint Review Act (Act No. 68 of 2014) apply mutatis mutandis to the disposition under the preceding paragraph where an administrative agency that has rendered the disposition has mistakenly instructed that a request for administrative review or re-investigation may be made.



**Chapter VIII Regulation on the Use of Nuclear Fuel Materials**  
**Section 1 Regulations on the Use of Nuclear Fuel Material**

(Permission for the Use)

Article 52 (1) A person who seeks to use nuclear fuel material must, pursuant to the provisions of Cabinet Order, obtain the permission of the NRA; provided, however, that this does not apply to a case that falls under any of the following items:

- (i) when a licensee of refining uses nuclear fuel material for refining activity;
- (ii) when a licensee of fabrication or enrichment activity uses nuclear fuel material for fabrication or enrichment activity;
- (iii) when a licensee of research and test reactor operations, operator of a foreign nuclear vessel, and licensee of power reactor operations use nuclear fuel material as fuel for reactors;
- (iv) when a licensee of reprocessing activity uses nuclear fuel material for reprocessing activity; or
- (v) when using the type and amount of nuclear fuel material specified by Cabinet Order.

(2) A person who seeks to obtain the permission set forth in the preceding paragraph must submit to the NRA an application form stating the following particulars:

- (i) the name and address and, in the case of a corporation, the name of its representative;
- (ii) the purpose and method of use;
- (iii) the type of nuclear fuel material;
- (iv) the place of use;
- (v) the estimated period of use and the estimated quantity to be used in one year (in the case that the estimated period is less than one year, the estimated period of use);
- (vi) the method of disposing spent fuel;
- (vii) the position, structure, and equipment of facilities in which nuclear fuel material is to be used (hereinafter simply referred to as "usage facilities");
- (viii) the position, structure, and equipment of facilities in which nuclear fuel material is to be stored (hereinafter simply referred to as "storage facilities");
- (ix) the position, structure, and equipment of facilities where nuclear fuel material and material contaminated by nuclear fuel material are to be disposed of (hereinafter simply referred to as "disposal facilities"); and
- (x) the particulars concerning the development of the system necessary for quality management concerning activity for operational safety of usage facilities, storage facilities, or disposal facilities (hereinafter referred to as "nuclear fuel material usage facilities, etc.").

(Criteria for the Permission)

Article 53 In the case that an application for the permission set forth in paragraph (1) of the preceding Article is made, the NRA must not grant the permission set forth in that paragraph unless the NRA finds that the application complies with all of the following items:

- (i) there is no risk that nuclear fuel material will be used for purposes other than for peace;
- (ii) the position, structure, and equipment of the nuclear fuel material usage facilities, etc. comply with the criteria specified by the rules of the NRA as those that will not hinder the prevention of disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material;
- (iii) the applicant has sufficient technical capability for using nuclear fuel material competently; and
- (iv) the system prescribed in paragraph (2), item (x) of the preceding Article complies with the criteria specified by the rules of the NRA.

(Ineligibility for the Permission)

Article 54 A person who falls under any the following items is not granted the permission set forth in Article 52, paragraph (1):

- (i) a person whose permission set forth in Article 52, paragraph (1) has been rescinded pursuant to the provisions of Article 56, and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder;
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Permission for and Notification of Changes)

Article 55 (1) When a person who has obtained the permission set forth in Article 52, paragraph (1) (hereinafter referred to as "user") seeks to change any particular listed in paragraph (2), items (ii) through (iv), or items (vi) through (x) of that Article, the person must obtain the permission of the NRA, pursuant to the provisions of Cabinet Order.

(2) When a user has changed any particular listed in Article 52, paragraph (2), item (i) or (v), the user must notify the NRA of the change within thirty days

from the day that the change was made, except for the case set forth in Article 55-4, paragraph (1).

- (3) The provisions of Article 53 apply mutatis mutandis to the permission set forth in paragraph (1).

(Pre-Operational Inspections)

Article 55-2 (1) A user must carry out an inspection regarding the usage facilities, etc. of nuclear fuel material specified by Cabinet Order to be installed or changed, and must record and preserve the results of the inspection pursuant to the provisions of the rules of the NRA.

- (2) In the inspection set forth in the preceding paragraph (hereinafter referred to as "pre-operational inspection" in the following paragraph and Article 57, paragraph (1)), the licensee must confirm that the usage facilities, etc. comply with both of the following items:

- (i) that the construction work of the usage facilities etc., has obtained the permission set forth in Article 52, paragraph (1) or paragraph (1) of the preceding Article, or has been notified pursuant to the provisions of paragraph (2) of the relevant Article;
- (ii) that the usage facilities, etc. comply with the technical criteria specified by the rules of the NRA.

- (3) A user must not use their nuclear fuel material usage facilities, etc. until after obtaining the confirmation of the NRA through the nuclear regulatory inspection for pre-service inspection that the usage facilities, etc. comply with both of the items of the preceding paragraph pursuant to the provisions of the rules of the NRA; provided, however, that this does not apply to unavoidable temporary work implemented in the event of loss of or damage to a part of the usage facilities, etc. or in the event of disasters or emergencies or other cases specified by the rules of the NRA.

(Merger and Split)

Article 55-3 (1) In the case of a merger of corporations that are users (except in the case of a merger between a corporation that is a user and a corporation that is not a user, and where the corporation that is the user continues to exist) or in the case of a split of corporations that are users (limited to the case that the entirety of the nuclear fuel material usage facilities, etc. and nuclear fuel material and material contaminated by nuclear fuel material pertaining to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the entirety of the nuclear fuel material usage facilities, etc. and nuclear fuel material and material contaminated by

nuclear fuel material through the split, is to succeed to the status of the user.  
(2) The provisions of Article 53, items (i), (iii), and (iv), and Article 54 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)

Article 55-4 (1) In the case of an inheritance with regard to a user, the heir is to succeed to the status of the user.

(2) The heir who has succeeded to the status of the user pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of the Permission)

Article 56 When a user falls under any of the following items, the NRA may rescind the permission set forth in Article 52, paragraph (1), or specify a period not exceeding one year and order suspension of the use of nuclear fuel material for that period:

- (i) when a user comes to fall under any of Article 54, items (ii) through (iv);
- (ii) when the licensee has changed a particular for which the licensee is required to obtain permission pursuant to the provisions of Article 55, paragraph (1), without obtaining the permission;
- (iii) when the licensee has violated an order under the provisions of Article 56-4;
- (iv) when the licensee has violated the provisions of Article 57, paragraph (1) or (4), or violated an order under the provisions of paragraph (3) of that Article;
- (v) when the licensee has violated the provisions of Article 57-2, paragraph (1);
- (vi) when the licensee has violated an order under the provisions of Article 12-2, paragraph (3) as applied mutatis mutandis pursuant to Article 57-2, paragraph (2);
- (vii) when the licensee has violated the provisions of Article 12-2, paragraph (4) as applied mutatis mutandis pursuant to Article 57-2, paragraph (2);
- (viii) when the licensee has violated the provisions of Article 57-3, paragraph (1);
- (ix) when the licensee has violated an order under the provisions of Article 12-5 as applied mutatis mutandis pursuant to Article 57-3, paragraph (2);
- (x) when the licensee has discontinued all use of nuclear fuel materials in violation of the provisions of Article 57-5, paragraph (1);
- (xi) when the licensee has violated the provisions of Article 57-5, paragraph (2);
- (xii) when the licensee has violated the provisions of Article 58, paragraph (2), or has violated an order under the provisions of paragraph (3) of that Article;

- (xiii) when the licensee has violated the provisions of Article 59, paragraph (2), or has violated an order under the provisions of paragraph (4) of that Article;
- (xiv) when the licensee has violated the provisions of Article 59-2, paragraph (2);
- (xv) when the licensee has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article;
- (xvi) when the licensee has violated the conditions set forth in Article 62-2, paragraph (1) or (2);
- (xvii) when the licensee has violated the provisions of Article 6 of the Act on Compensation for Nuclear Damage; or
- (xviii) when the licensee has violated an order under the provisions of Article 7, paragraph (4), Article 8, paragraph (5), Article 9, paragraph (7), Article 11, paragraph (6), or Article 13-2, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 56-2 Pursuant to the provisions of the rules of the NRA, the user must record the particulars specified by the rules of the NRA concerning the use of nuclear fuel material, and keep this record at the factory or place of activity.

(Measures to Be Taken for Operational Safety and Physical Security of Specified Nuclear Fuel Material)

Article 56-3 (1) A user must, pursuant to the provisions of the rules of the NRA, take necessary measures for operational safety concerning the following particulars:

- (i) maintenance of the nuclear fuel material usage facilities;
  - (ii) use of nuclear fuel material;
  - (iii) transport, storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material (regarding transport and disposal, limited to that carried out in the premises of the factory or place of activity where the nuclear fuel material usage facilities, etc. have been installed; the same applies in paragraph (1) of the following Article).
- (2) A user who handles specified nuclear fuel material at a factory or place of activity where nuclear fuel material usage facilities, etc. have been installed, if specified by Cabinet Order, must take physical security measures pursuant to the provisions of the rules of the NRA.

(Suspension of the Use of Facilities)

Article 56-4 (1) When the NRA finds that the measures pertaining to the maintenance of the nuclear fuel material usage facilities, etc., or the transport,

storage, or disposal of nuclear fuel material or material contaminated by nuclear fuel material, are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (1) of the preceding Article, the NRA may order the user to suspend the use, modify, repair or change the location of the nuclear fuel material usage facilities, designate a method for the use of nuclear fuel material or order other necessary operational safety measures to be taken.

(2) When the NRA finds that the physical security measures are in violation of the provisions of the rules of the NRA based on the provisions of paragraph (2) of the preceding Article, the NRA may order the user to take corrective measures, etc.

(Safety Regulations)

Article 57 (1) When a user uses nuclear fuel material specified by Cabinet Order, the user, pursuant to the provisions of the rules of the NRA, must establish safety regulations (including rules concerning safety training for handling nuclear fuel material and the provisions for pre-operational inspection; hereinafter the same applies in this Article) and obtain the approval of the NRA before commencing the construction work for installing the nuclear fuel material usage facilities, etc. The same applies when making changes to the regulations.

(2) When the NRA finds that the safety regulations fall under any of the following items, it must not grant the approval set forth in the preceding paragraph:

- (i) that the safety regulations have not obtained the permission set forth in Article 52, paragraph (1) or Article 55, paragraph (1), or have not been notified pursuant to the provisions of paragraph (2) of the relevant Article; or
- (ii) that the safety regulations are not sufficient for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material.

(3) When the NRA finds that it is necessary for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, the NRA may order the user to change the safety regulations.

(4) A user and their employees must observe the safety regulations.

(Provisions for the Physical Security of Nuclear Materials)

Article 57-2 (1) In the case prescribed in the provisions of Article 56-3, paragraph (2), the user, pursuant to the provisions of the rules of the NRA, must establish the provisions for the physical security of nuclear materials and obtain the approval of the NRA before commencing the handling of specified nuclear fuel material. The same applies when making changes to the provisions.

(2) The provisions of Article 12-2, paragraphs (2) through (4) apply mutatis mutandis to the provisions for the physical security of nuclear materials set forth in the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "Article 57-2, paragraph (1)," and the term "licensee of refining" in paragraphs (3) through (4) of that Article is deemed to be replaced with "user."

(Nuclear Material Physical Security Manager)

Article 57-3 (1) In the case prescribed in the provisions of Article 56-3, paragraph (2), the user, pursuant to the provisions of the rules of the NRA, must appoint a nuclear material physical security manager, from among the persons who satisfy the requirements specified by the rules of the NRA related to the knowledge, etc. in handling specified nuclear fuel material, etc., to have the nuclear material physical security manager manage the activity related to the physical security of specified nuclear fuel material in a consistent manner.

(2) The provisions of Article 12-3, paragraph (2), Article 12-4, and Article 12-5 apply mutatis mutandis to the nuclear material physical security manager set forth in the preceding paragraph. In this case, the terms "licensee of refining" and "refining facilities" in these provisions are deemed to be replaced with "user" and "nuclear fuel material using facilities, etc.," respectively.

(Decommissioning Implementation Policy)

Article 57-4 (1) When a user seeks to commence the use of nuclear fuel material specified by Cabinet Order, the user must create and make public the decommissioning implementation policy (hereinafter referred to as "decommissioning implementation policy" in this Article) for implementing decommissioning measures (hereinafter referred to as "decommissioning measures" in this Chapter) associated with the discontinuation of use of nuclear fuel material specified by the rules of the NRA, including dismantlement of nuclear fuel material usage facilities, etc., transfer of nuclear fuel material, removal of contamination caused by nuclear fuel material, disposal of material contaminated by nuclear fuel material, and other necessary measures.

(2) In the decommissioning implementation policy, necessary particulars for implementing the decommissioning measures including the expected amount of material contaminated by nuclear fuel material to be disposed of, the estimated cost of decommissioning measures, and the methods of procurement of funds must be specified.

(3) When a user makes changes to the decommissioning implementation policy, the user must make public the changed policy without delay.

(4) Beyond what is provided for in the preceding three paragraphs, necessary

particulars concerning the decommissioning implementation policy are specified by the rules of the NRA.

(Measures Associated with Discontinuation of Use)

- Article 57-5 (1) When a user seeks to discontinue all use of nuclear fuel materials, the user must take decommissioning measures.
- (2) When a user seeks to take decommissioning measures, the user must create a plan concerning the decommissioning measures (hereinafter referred to as "decommissioning plan" in paragraph (2) of the following Article) in advance, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA.
- (3) The provisions of Article 12-6, paragraphs (3) through (9) apply mutatis mutandis to the decommissioning measures of the user. In this case, the term "the preceding paragraph" in paragraph (3) of the same Article is deemed to be replaced with "Article 57-5, paragraph (2)"; the term "the preceding two paragraphs" in paragraph (4) of that Article is deemed to be replaced with "Article 57-5, paragraph (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of that Article is deemed to be replaced with "Article 57-5, paragraph (2)"; and the term "designation set forth in Article 3, paragraph (1)" in paragraph (9) of that Article is deemed to be replaced with "permission set forth in Article 52, paragraph (1)."

(Measures Associated with Rescission of the Permission)

- Article 57-6 (1) When a user has had their permission rescinded pursuant to the provisions of Article 56, or when a user has dissolved or died, and there is no inheritance pursuant to the provisions of Article 55-3, paragraph (1) or Article 55-4, paragraph (1), the former user, etc. (meaning the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir when the user who has had their permission rescinded pursuant to the provisions of Article 56 has dissolved or died, and there is no inheritance pursuant to the provisions of Article 55-3, paragraph (1) or Article 55-4, paragraph (1); the same applies hereinafter) is deemed to be the user regarding the application of the provisions of Articles 56-2 through 57-3 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.
- (2) Pursuant to the provisions of the rules of the NRA, the former user, etc. must create a decommissioning plan and apply for the approval of the NRA within the period specified by the rules of the NRA from the date that the user's permission as a user was rescinded pursuant to the provisions of Article 56 or the date of dissolution or death of the user.



- (3) The former user, etc. must not take decommissioning measures for the period until the user obtains the approval set forth in the preceding paragraph.
- (4) The provisions of Article 12-7, paragraphs (4) through (9) apply mutatis mutandis to decommissioning measures of former users, etc. In this case, the term "paragraph (2)" in these provisions is deemed to be replaced with "Article 57-6, paragraph (2)"; the term "paragraph (4) of the preceding Article" in paragraph (5) of Article 12-7 is deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 57-5, paragraph (3)"; and the term "paragraph (8) of the preceding Article" in paragraph (9) of that Article is deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 57-5, paragraph (3)."

## **Section 2 Regulation on the Use of Nuclear Source Material**

Article 57-7 (1) A person who seeks to use nuclear source material, pursuant to the provisions of Cabinet Order, must make a notification to the NRA in advance; provided, however, that this does not apply to a case that falls under any of the following items:

- (i) when a licensee of refining uses nuclear source material for refining activity;
  - (ii) when a person who has obtained the permission set forth in Article 61-3, paragraph (1) (referred to as "international controlled material user" in Article 61) uses nuclear source material which is international controlled material, for the purpose of use for which the relevant permission was obtained; or
  - (iii) when using nuclear source material of which the radioactivity concentration or the amount of uranium or thorium contained does not exceed the limit specified by Cabinet Order.
- (2) A person who seeks to make a notification pursuant to the provisions of the preceding paragraph must submit a written notification stating the following particulars to the NRA:
- (i) the name and address and, in the case of a corporation, the name of its representative;
  - (ii) the purpose and method of use;
  - (iii) the type of nuclear source material;
  - (iv) the place of use;
  - (v) the estimated period of use and the estimated quantity to be used in one year (in the case that the estimated period is less than one year, the estimated period of use);
  - (vi) an outline of the position, structure, and equipment of facilities in which

- the nuclear source material is to be used.
- (3) A person who has made a notification pursuant to the provisions of paragraph (1) (hereinafter referred to as "nuclear source material user") must notify the NRA without delay when the person makes changes to a particular listed in any of the items of the preceding paragraph, pursuant to the provisions of Cabinet Order.
  - (4) A person who uses nuclear source material must comply with the technical criteria specified by the rules of the NRA when using nuclear source material (excluding the use that falls under paragraph (1), item (i) or (iii); the same applies in the following paragraph and the following Article).
  - (5) When the NRA finds that the use of nuclear source material does not comply with the technical criteria set forth in the preceding paragraph, the NRA may order the person using the nuclear source material to take corrective actions in order to comply with the technical criteria.
  - (6) A nuclear source material user, pursuant to the provisions of the rules of the NRA, must record the particulars specified by the rules of the NRA concerning the use of nuclear source materials, and keep this record at the factory or place of activity.
  - (7) When a nuclear source material user has discontinued all use of nuclear source materials pertaining to the notification, the user must notify the NRA of the fact pursuant to the provisions of the rules of the NRA.
  - (8) When a nuclear source material user dissolves or dies, the liquidator, the bankruptcy trustee, the representative of a corporation that continues to exist after the merger or is established through the merger, or the representative of a corporation who succeeds the usage facilities of nuclear source material or the nuclear source material through the split, or the heir or a person who controls the inherited property in lieu of the heir, must notify the NRA of the fact pursuant to the provisions of the rules of the NRA.

## **Chapter IX Responsibility of Nuclear Operators and Other Licensees**

Article 57-8 A licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, operator of a foreign nuclear vessel, licensee of power reactor operations, licensee of spent fuel storage activity, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, or user (including former licensee of refining, etc., former licensee of fabrication or enrichment activity, etc., former licensee of research and test reactor operations, etc., former licensee of power reactor operations, etc., former licensee of spent fuel storage activity, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal, or storage activity, etc., or former user, etc.; hereinafter referred to as "nuclear

operator, etc.") and a user of nuclear source material (excluding cases falling under paragraph (1), item (i) or (iii) of the preceding Article; the same applies in Article 61-2-2, paragraph (1) and Article 81, item (ii)) is responsible to take necessary measures, based on the provisions of this Act, while taking account of the latest knowledge on safety in research, development, and use of nuclear power (referred to as "use of nuclear power" in Article 61-2-2, paragraph (8) and Article 62-2-2), regarding the prevention of disasters resulting from nuclear source material, nuclear fuel material, and nuclear reactors or physical security of specified nuclear fuel material, to install equipment or apparatus that contribute to the improvement of the safety of nuclear facilities or usage facilities of nuclear source material (hereinafter referred to as "nuclear facilities, etc."), to ensure proper and reliable inspections of nuclear facilities, etc., to enhance safety training, and to take other necessary measures.

## **Chapter X Regulation on Nuclear Operators**

(Confirmation Concerning Disposal)

Article 58 (1) When a nuclear operator, etc. disposes of nuclear fuel material or material contaminated by nuclear fuel material outside of a factory or place of activity where refining facilities, fuel fabrication facilities, research and test reactor facilities, power reactor facilities, spent fuel storage facilities, reprocessing facilities, waste burial facilities, waste storage facilities, or nuclear fuel material usage facilities, etc. have been installed (including nuclear vessels; referred to as "factories, etc." in paragraph (1) of the following Article, Article 59-2, paragraph (1), and Article 61-2, paragraph (1)), the nuclear operator must take the necessary measures for operational safety pursuant to the provisions of the rules of the NRA:

(2) In the case referred to in the preceding paragraph, when the case falls under any of the cases specified by Cabinet Order as being particularly necessary in order to prevent disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, the nuclear operator, etc., pursuant to the provisions of the rules of the NRA, must obtain the confirmation of the NRA, as to the compliance of the measures related to the disposal with the provisions of the rules of the NRA based on the provisions of the preceding paragraph.

(3) In the case set forth in paragraph (1), when the NRA finds that the measures related to the disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provisions of the rules of the NRA based on the provisions of that paragraph, the NRA may order the nuclear operator, etc. to suspend the disposal or take other necessary measures for operational safety.

(Confirmation Concerning Transport)

- Article 59 (1) When a nuclear operator, etc. (including a person to which transport has been entrusted from a nuclear operator, etc.; hereinafter the same applies in this Article) transports nuclear fuel material or material contaminated by nuclear fuel material outside of the factory, etc. (excluding transport by vessel or aircraft), the operator must take the necessary measures for operational safety (necessary measures for operational safety and physical security of specified nuclear fuel material when specified nuclear fuel material specified by Cabinet Order is included in the relevant nuclear fuel material) in compliance with the technical criteria specified by the rules of the NRA with respect to the material to be transported, and with the technical criteria specified by the rules of the NRA (Order of the Ministry of Land, Infrastructure, Transport and Tourism for transport by railway, tram, cableway, trackless train, vehicle and light vehicle) with respect to other particulars.
- (2) In the case referred to in the preceding paragraph, when the case falls under any of the cases specified by Cabinet Order as being particularly necessary for the prevention of disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material and for the physical security of specified nuclear fuel material, the nuclear operator, etc. must obtain the confirmation of the NRA, pursuant to the provisions of the rules of the NRA, with respect to the material to be transported, and the confirmation of the NRA (the Minister of Land, Infrastructure, Transport and Tourism for transport by railway, tram, cableway, trackless train, vehicle and light vehicle), pursuant to the provisions of the rules of the NRA (Order of the Ministry of Land, Infrastructure, Transport and Tourism for transport by railway, tram, cableway, trackless train, vehicle and light vehicle) with respect to other particulars, as to the compliance of the measures related to transport with the technical criteria set forth in the preceding paragraph.
- (3) A nuclear operator, etc., may obtain the approval of the NRA in advance, pursuant to the provisions of the rules of the NRA, concerning the container to be used for transport. In this case, the container for which the approval of the NRA has been obtained is considered to have met the criteria relating to containers, from among the technical criteria set forth in paragraph (1).
- (4) In the case referred to in paragraph (1), when the NRA or the Minister of Land, Infrastructure, Transport and Tourism finds that the measures related to the transport of nuclear fuel material or material contaminated by nuclear fuel material do not comply with the technical criteria set forth in that paragraph, the NRA or the Minister may order the relevant nuclear operator, etc., to suspend the transport and take other necessary measures for the operational safety and for the physical security of specified nuclear fuel

material, in accordance with the category of measures prescribed in that paragraph.

- (5) In the case referred to in paragraph (1), when the case falls under any of the cases specified by Cabinet Order as being particularly necessary for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material or for protecting specified nuclear fuel material and ensuring public safety, the nuclear operator, etc., pursuant to the provisions of Cabinet Office Order, must make a notification to the prefectural public safety commission of the fact and obtain issuance of a document certifying the notification (hereinafter referred to as "certification of transport").
- (6) When the notification set forth in the preceding paragraph is made, and the prefectural public safety commission finds it necessary in order to prevent disasters and ensure public safety by protecting specified nuclear fuel material, the prefectural public safety commission may give necessary instructions concerning the date and time of the transport, the route to be used, and other particulars specified by Cabinet Office Order.
- (7) When the prefectural public safety commission gives the instructions set forth in the preceding paragraph, the details of the instructions must be stated in the certification of transport.
- (8) In the case prescribed in the provisions of paragraph (1), when a nuclear operator, etc. has obtained issuance of a certification of transport, the operator must carry the certification of transport and conduct transport in accordance with the details stated in certification of transport.
- (9) When there are any changes to the particulars stated in the certification of transport, the nuclear operator, etc., must make a notification to the prefectural public safety commission that issued the certification without delay, pursuant to the provisions of Cabinet Office Order, and have the certification renewed.
- (10) When a nuclear operator, etc. has lost or damaged the certification of transport, or has had the certification of transport stolen, the nuclear operator, etc., pursuant to the provisions of Cabinet Office Order, must apply to the prefectural public safety commission that issued the certification of transport for a reissuance of the certification in writing, with the reason attached.
- (11) When a police officer finds it particularly necessary in order to prevent disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material that is being transported by an vehicle or a light vehicle, and ensure public safety by protecting specified nuclear fuel material contained in the nuclear fuel material, the officer may stop the relevant vehicle or light vehicle and request the person transporting the materials to present the certification of transport or inspect whether transport is being conducted in accordance with the details stated in the certification of transport, pursuant to

the provisions of Cabinet Office Order, or order the person transporting the materials to change the route and take other appropriate measures to the extent necessary for implementing the provisions of paragraphs (5), (6), and (8) in order to prevent disasters resulting from these materials and to protect the specified nuclear fuel material.

(12) The authority prescribed in the preceding paragraph must not be construed as being granted for the purpose of criminal investigation.

(13) The necessary communication between the prefectural public safety commissions pertaining to the notification set forth in paragraph (5), the instructions set forth in paragraph (6) and issuing, renewing, reissuing and returning a certification of transport of in the case that the return of a certification of transport that is no longer required and the transport involving two or more prefectural public safety commissions are specified by Cabinet Order.

Article 59-2 (1) In a case specified by Cabinet Order where specified nuclear fuel material is transported from the factory, etc. of a nuclear operator, etc. or is transported from a factory, etc. in a foreign state to a factory, etc. of the nuclear operator, etc., the nuclear operator, etc., before commencing the transport, must disclose the person responsible (including a person responsible for the transport of the relevant specified nuclear fuel material outside of Japan) for the transport of the relevant specified nuclear fuel material from the time when it is taken out of the factory, etc. of the sender to the time when it is brought in to the factory, etc. of the receiver, and take measures so that an agreement can be concluded among the sender, the person responsible for the transport of the relevant specified nuclear fuel material, and the receiver concerning the time and place in which the responsibility pertaining to the transport of the relevant specified nuclear fuel material is transferred and other particulars specified by the rules of the NRA.

(2) In the case referred to in the preceding paragraph, the nuclear operator, etc. must obtain the confirmation by the NRA before commencing the transport set forth in that paragraph, pursuant to the provisions of the rules of the NRA, regarding the conclusion of the agreement prescribed in that paragraph.

(Storage Contractor)

Article 60 (1) When a person entrusted with the storage of nuclear fuel material (excluding storage of spent fuel) (hereinafter the person is referred to as "storage contractor") from a nuclear operator, etc. (excluding operators of a foreign nuclear vessel, licensee of spent fuel storage activity and licensee of radioactive waste disposal or storage activity (including former licensee of spent fuel storage activity, etc. and former licensee of radioactive waste

disposal or storage activity, etc.)) stores the nuclear fuel material, the person must take the necessary measures for operational safety ( necessary measures for operational safety and protection of specified nuclear fuel material when the nuclear fuel material contains the specified nuclear fuel material specified by Cabinet Order) in compliance with the technical criteria specified by the rules of the NRA.

- (2) In the case referred to in the preceding paragraph, when the NRA finds that the measures related to the storage of nuclear fuel material do not conform to the technical criteria set forth in the same paragraph, the NRA may order the storage contractor to take necessary measures to rectify the method the nuclear fuel material is stored, and other measures necessary for operational safety and protection of specified nuclear fuel material.

(Restrictions on Transfer and Acquisition)

Article 61 Nuclear fuel material must not be transferred or acquired in the cases other than those that fall under any of the following items; provided, however, that this does not apply to a case where the State acquires or transfers nuclear fuel material based on an international agreement, or where nuclear fuel material is acquired from the State:

- (i) when a licensee of refining transfers nuclear fuel material to a licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of power reactor operations, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, user or other licensee of refining, or acquires nuclear fuel material from these persons;
- (ii) when a licensee of fabrication or enrichment activity transfers nuclear fuel material to a licensee of refining, licensee of research and test reactor operations, licensee of power reactor operations, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, user or other licensee of fabrication or enrichment activity, or acquires nuclear fuel material from these persons;
- (iii) when a licensee of research and test reactor operations transfers nuclear fuel material to a licensee of refining, licensee of fabrication or enrichment activity, licensee of power reactor operations, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, user or other licensee of research and test reactor operations, or acquires nuclear fuel material from these persons;
- (iv) when a licensee of power reactor operations transfers nuclear fuel material to a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, user or

- other licensee of power reactor operations, or acquires nuclear fuel material from these persons;
- (v) when a licensee of reprocessing activity transfers nuclear fuel material to a licensee of refining, licensee of fabrication or enrichment activities, licensee of research and test reactor operations, licensee of power reactor operations, licensee of radioactive waste disposal or storage activity, user or other licensee of reactor operations, or acquires nuclear fuel material from these persons;
  - (vi) when a licensee of radioactive waste disposal or storage activity transfers nuclear fuel material to a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of power reactor operations, licensee of reprocessing activity, user or other licensee of radioactive waste disposal or storage activity, or acquires nuclear fuel material from these persons;
  - (vii) when a user transfers nuclear fuel material to a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of power reactor operations, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity or other user, or acquires from these persons a type of nuclear fuel material for which the permission set forth in Article 52, paragraph (1) (including the permission set forth in Article 55, paragraph (1)) has been obtained;
  - (viii) when a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of power reactor operations, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, or user or international controlled material user transfers or acquires nuclear fuel material whose type and quantity are specified by Cabinet Order as prescribed in Article 52, paragraph (1), item (v) or where the nuclear fuel material is transferred to or acquired from these persons;
  - (ix) when a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of power reactor operations, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, user, or international controlled material user exports or imports nuclear fuel material;
  - (x) when a former licensee of refining, etc., former licensee of fabrication or enrichment activity, etc., former licensee of research and test reactor operations, etc., former licensee of power reactor operations, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal or storage activity, etc., or former user, etc., transfers or acquires nuclear fuel material in compliance with the decommissioning plan for which



the approval set forth in Article 12-7, paragraph (2), Article 22-9, paragraph (2), Article 43-3-3, paragraph (2), Article 43-3-35, paragraph (2), Article 51, paragraph (2), Article 51-26, paragraph (2), or Article 57-6, paragraph (2) has been obtained (the changed decommissioning plan in the case that an approval or a notification regarding a change has been made pursuant to the provisions of Article 12-7, paragraph (4) or (6) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 51, paragraph (4), Article 51-26, paragraph (4), and Article 57-6, paragraph (4))); or

(xi) when nuclear fuel material is transferred pursuant to an order under the provisions of Article 61-9.

(Confirmation Concerning Radioactivity Concentration)

Article 61-2 (1) A nuclear operator, etc. may obtain the confirmation by the NRA that the radioactivity concentration of radioactive material contained in materials and other substances used at the factory, etc. does not exceed the criteria specified by the rules of the NRA as not requiring measures for preventing radiation hazards, pursuant to the provisions of the rules of the NRA.

(2) A person who seeks to obtain the confirmation set forth in the preceding paragraph must measure and evaluate the radioactivity concentration of the radioactive material contained in the substances for which confirmation is sought, based on the methods for measuring and evaluating radioactivity concentration for which the approval of the NRA was obtained in advance, pursuant to the provisions of the rules of the NRA, and submit an application form that states the results of the measurement and evaluation, and other documents specified by the rules of the NRA to the NRA.

(3) The substances for which the confirmation by the NRA has been obtained pursuant to the provisions of paragraph (1) is to be handled as substances that has not been contaminated by nuclear fuel material in applying this Act, the Waste Management and Public Cleansing Act (Act No. 137 of 1970), and other laws and regulations specified by Cabinet Order.

### **Chapter XI Supervision based on Nuclear Regulatory Inspections**

Article 61-2-2 (1) A nuclear operator, etc. and a person who uses nuclear source material must undergo an inspection conducted by the NRA regarding the following particulars:

(i) the implementation status of the following inspections:

(a) pre-operational inspection prescribed in Article 16-3, paragraph (2), Article 28, paragraph (2), Article 43-3-11, paragraph (2), Article 43-9,

- paragraph (2), Article 46, paragraph (2), or Article 51-8, paragraph (2);
  - (b) periodic licensee's inspection prescribed in Article 16-5, paragraph (2), Article 29, paragraph (2), Article 43-3-16, paragraph (2), Article 43-11, paragraph (2), Article 46-2-2, paragraph (2) or Article 51-10, paragraph (2); and
  - (c) pre-operational inspection prescribed in Article 55-2, paragraph (2);
- (ii) the status of compliance with the following technical criteria:
- (a) the technical criteria set forth in Article 16-4, Article 28-2, Article 43-3-14, Article 43-10, Article 46-2, or Article 51-9; and
  - (b) the technical criteria set forth in Article 57-7, paragraph (4);
- (iii) the implementation status of measures to be taken in accordance with the following particulars:
- (a) safety regulations approved under Article 12, paragraph (1), Article 22, paragraph (1), Article 37, paragraph (1), Article 43-3-24, paragraph (1), Article 43-20, paragraph (1), Article 50, paragraph (1), Article 51-18, paragraph (1), or Article 57, paragraph (1) (the changed safety regulations in the case that approval has been granted for changes pursuant to these provisions);
  - (b) provisions for the physical security of nuclear materials approved under Article 12-2, paragraph (1), Article 22-6, paragraph (1), Article 43-2, paragraph (1), Article 43-3-27, paragraph (1), Article 43-25, paragraph (1), Article 50-3, paragraph (1), Article 51-23, paragraph (1), or Article 57-2, paragraph (1) (the changed provisions for the physical security of nuclear materials in the case that an approval has been granted for changes pursuant to these provisions);
  - (c) decommissioning plan approved under Article 12-6, paragraph (2), Article 22-8, paragraph (2), Article 43-3-2, paragraph (2), Article 43-3-3, paragraph (2), Article 43-27, paragraph (2), Article 50-5, paragraph (2), Article 51-25, paragraph (2), or Article 57-5, paragraph (2) (the changed decommissioning plan in the case that an approval or a notification has been made for changes pursuant to the provisions of Article 12-6, paragraph (3) or (5) (including as applied mutatis mutandis pursuant to Article 22-8, paragraph (3), Article 43-3-2, paragraph (3), Article 43-3-34, paragraph (3), Article 43-27, paragraph (3), Article 50-5, paragraph (3), Article 51-25, paragraph (3) and Article 57-5, paragraph (3)));
  - (d) decommissioning plan approved under Article 12-7, paragraph (2), Article 22-9, paragraph (2), Article 43-3-3, paragraph (2), Article 43-3-35, paragraph (2), Article 43-28, paragraph (2), Article 51, paragraph (2), Article 51-26, paragraph (2), or Article 57-6, paragraph (2) (the changed decommissioning plan in the case that an approval or a notification has been made for changes pursuant to the provisions of Article 12-7,

- paragraph (4) or (6) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 43-28, paragraph (4), Article 51, paragraph (4), Article 51-26, paragraph (4) and Article 57-6, paragraph (4) )
- (e) closure plan approved under Article 51-24-2, paragraph (1) (the changed closure plan in the case that an approval or a notification has been made for changes pursuant to the provisions of Article 12-6, paragraph (3) or (5) as applied mutatis mutandis pursuant to paragraph (3) of the same Article); and
  - (f) the methods of measuring and evaluating radioactivity concentration approved under paragraph (2) of the preceding Article;
- (iv) beyond what is provided for in the preceding three items, the implementation status of the following measures:
- (a) physical security measures prescribed in Article 11-2, paragraph (1), Article 21-2, paragraph (2), Article 35, paragraph (2), Article 43-3-22, paragraph (2), Article 43-18, paragraph (2), Article 48, paragraph (2), Article 51-16, paragraph (4) or Article 56-3, paragraph (2);
  - (b) necessary measures for operational safety prescribed in Article 21-2, paragraph (1), Article 35, paragraph (1), Article 43-3-22, paragraph (1), Article 43-18, paragraph (1), Article 48, paragraph (1), Article 51-16, paragraphs (1) through (3), Article 56-3, paragraph (1), or Article 58, paragraph (1);
  - (c) necessary measures for operational safety prescribed in Article 59, paragraph (1) (limited to the part related to the technical criteria specified by the rules of the NRA) (necessary measures to be taken for operational safety and physical security of the specified nuclear fuel material if the specified nuclear fuel material specified by Cabinet Order set forth in that paragraph is contained in the nuclear fuel material to be transported).
- (2) The nuclear regulatory inspection is to be conducted as specified by the rules of the NRA, by taking into consideration the results of evaluation under paragraph (7) in the past and other circumstances, pursuant to the provisions of the rules of the NRA.
- (3) In conducting the nuclear regulatory inspection, an NRA staff member designated by the NRA may conduct the following particulars specified by the rules of the NRA:
- (i) entering an office, a factory, or a place of activity;
  - (ii) inspecting books, documents, or other necessary articles;
  - (iii) questioning relevant persons; and
  - (iv) requesting the submission of nuclear source material, nuclear fuel material, or other necessary samples (limited to the minimum amount necessary for tests).

- (4) When the NRA staff member enters an office, a factory, or a place of activity pursuant to the provisions of item (1) of the preceding paragraph, the staff member must carry an identification card and present it when requested by relevant persons.
- (5) The authority under the provisions of paragraph (3) must not be construed as being granted for the purpose of criminal investigation.
- (6) In conducting the nuclear regulatory inspection, the NRA must endeavor to effectively and efficiently do so by having the NRA staff member attend the inspections conducted by nuclear operators, etc., by having the staff member enter the nuclear facilities to conduct inspections, and through other means.
- (7) The NRA is to comprehensively evaluate the particulars listed in each of the items in paragraph (1) based on the results of the nuclear regulatory inspection.
- (8) In conducting the evaluation under the preceding paragraph, the NRA is to verify the particulars listed in each of the items of paragraph (1) taken by those who have undergone the nuclear regulatory inspection by taking into account the latest knowledge on safety for the use of nuclear power, and also take into consideration whether improvements have been made to those particulars.
- (9) The NRA is to notify the person who has undergone the nuclear regulatory inspection of the results of the nuclear regulatory inspection and of the evaluation under paragraph (7), as well as make them public.
- (10) When the NRA finds it necessary based on the results of the nuclear regulatory inspection, it is to give an order under the provisions of Article 11-2, paragraph (2), Article 21-3, Article 36, Article 43-3-23, Article 43-19, Article 49, Article 51-17, Article 56-4, and Article 57-7, paragraph (5) to those who have undergone the nuclear regulatory inspection, and take other necessary measures.

## **Chapter XII Regulation on the Use of International Controlled Material**

### **Section 1 Regulation on the Use of International Controlled Material**

(Permission for Use and Its Notification)

Article 61-3 (1) A person who seeks to use international controlled material must obtain the permission of the NRA pursuant to the provisions of Cabinet Order; provided, however, that this does not apply to a case that falls under any of the following items:

- (i) when a licensee of refining uses international controlled material for refining activity;
- (ii) when a licensee of fabrication or enrichment activity uses international controlled material for fabrication or enrichment activity;
- (iii) when a licensee of reactor operations uses international controlled

- material to install or operate reactors;
  - (iv) when a licensee of reprocessing activity uses international controlled material for reprocessing activity;
  - (v) when a user uses international controlled material for the purpose of use for which the permission set forth in Article 52, paragraph (1) was obtained; or
  - (vi) when a former licensee of refining, etc., former licensee of fabrication or enrichment activity, etc., former licensee of research and test reactor operations, etc., former licensee of power reactor operations, former licensee of reprocessing activity, etc. or former user, etc. uses international controlled material during the period until the licensee obtains the confirmation pursuant to the provisions of Article 12-7, paragraph (9) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 51, paragraph (4), and Article 57-6, paragraph (4)).
- (2) A person who seeks to obtain the permission set forth in the preceding paragraph must submit an application form stating the following particulars to the NRA:
- (i) the name and address and, in the case of a corporation, the name of its representative;
  - (ii) the purpose and method of use;
  - (iii) the type and amount of international controlled material;
  - (iv) the place of use; and
  - (v) the estimated period of use.
- (3) A person who seeks to obtain the permission set forth in paragraph (1) concerning nuclear source material must attach a document stating the particulars set forth in Article 57-7, paragraph (2), item (vi) to the application form prescribed in the preceding paragraph; provided, however, that this does not apply to a case that falls under paragraph (1), item (iii) of the same Article.
- (4) If a person falls under any of paragraph (1), items (i) through (v), the person, pursuant to the provisions of the rules of the NRA, must notify the NRA of the type and amount of the international controlled material to be used and the estimated period of use, in advance.
- (5) When a licensee of spent fuel storage activity seeks to store international controlled material, the licensee, pursuant to the provisions of the rules of the NRA, must notify the NRA of the type and amount of the international controlled material to be stored and the estimated period of storage, in advance.
- (6) When a licensee of radioactive waste disposal or storage activity seeks to dispose of international controlled material, the licensee, pursuant to the provisions of the rules of the NRA, must notify the NRA of the type and amount of the international controlled material that is to be disposed of and

the estimated period of disposal, in advance.

- (7) When a former licensee of refining, etc., former licensee of fabrication or enrichment activity, etc., former licensee of research and test reactor operations, etc., former licensee of power reactor operations, etc., former licensee of reprocessing activity, etc. or former user, etc., falls under paragraph (1), item (vi), the licensee, pursuant to the provisions of the rules of the NRA, must notify the NRA of the type and amount of the international controlled material to be used and the estimated period of use, within the period specified by the rules of the NRA from the day that the designation as a licensee of refining or licensee of reprocessing activity was rescinded pursuant to the provisions of Article 10 or Article 46-7, from the day that the permission as a licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of power reactor operations or user was rescinded pursuant to the provisions of Article 20, Article 33, paragraph (1) or (2) or Article 43-3-20, Article 56, or from the day of dissolution or death of the licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, licensee of power reactor operations, licensee of reprocessing activity, or user.
- (8) In the case that a former licensee of spent fuel storage activity, etc. stores international controlled material during the period until the licensee obtains the confirmation pursuant to the provisions of Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to Article 43-28, paragraph (4), the licensee, pursuant to the provisions of the rules of the NRA, must notify the NRA of the type and amount of the international controlled material to be stored and the estimated period of storage, within the period specified by the rules of the NRA from the day that the permission as a licensee of spent fuel storage activity was rescinded pursuant to the provisions of Article 43-16 or from the day of dissolution or death of the licensee of spent fuel storage activity.
- (9) In the case that a former licensee of radioactive waste disposal or storage activity, etc., disposes of international controlled material during the period until the licensee obtains the confirmation pursuant to the provisions of Article 12-7, paragraph (9) as applied mutatis mutandis pursuant to Article 51-26, paragraph (4), the licensee, pursuant to the provisions of the rules of the NRA, must notify the NRA of the type and amount of the international controlled material to be disposed of and the estimated period of disposal, within the period specified by the rules of the NRA from the day that the permission as a licensee of radioactive waste disposal or storage activity was rescinded pursuant to the provisions of Article 51-14 or from the day of dissolution or death of the licensee of radioactive waste disposal or storage activity.

(Ineligibility for the Permission)

Article 61-4 A person who falls under any of the following items is not granted the permission set forth in paragraph (1) of the preceding Article:

- (i) a person whose permission set forth in paragraph (1) of the preceding Article has been rescinded pursuant to the provisions of Article 61-6, and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;
- (iii) a person who has been specified by the rules of the NRA as being unable to perform their duties properly due to mental or physical disorder;
- (iv) a corporation, any of whose officers conducting its business operations falls under any of the preceding three items.

(Notification of Change)

Article 61-5 (1) When a person who has obtained the permission set forth in Article 61-3, paragraph (1) (hereinafter referred to as "international controlled material user") seeks to change a particular listed in paragraph (2), items (ii) through (iv) of that Article, the person must notify the NRA of the change in advance, pursuant to provisions of the rules of the NRA.

(2) When an international controlled material user has changed a particular listed in Article 61-3, paragraph (2), item (i) or (v), except for the cases prescribed in the provisions of Article 61-5-3, paragraph (1), the user must notify the NRA of the change within thirty days from the day that the change was made.

(Merger and Split)

Article 61-5-2 (1) In the case of a merger of corporations that are international controlled material users (except in the case of a merger between a corporation that is an international controlled material user and a corporation that is not an international controlled material user, and where the corporation that is the international controlled material user continues to exist) or in the case of a split of a corporation that is an international controlled material user (limited to the case that the entirety of the international controlled material related to the permission is to be succeeded to), when the approval of the NRA has been obtained for the merger or the split, the corporation that is to continue to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the international controlled material through the split, is to succeed to the status of the international controlled

material user

- (2) The provisions of Article 61-4 apply mutatis mutandis to the approval prescribed in the preceding paragraph

(Inheritance)

Article 61-5-3 (1) In the case of an inheritance with regard to an international controlled material user, the heir is to succeed to the status of the international controlled material user.

- (2) The heir that has succeeded to the status of the international controlled material user pursuant to the provisions of the preceding paragraph must notify the NRA of the inheritance within thirty days from the day of the inheritance, with a document certifying the fact.

(Rescission of the Permission)

Article 61-6 When an international controlled material user falls under any of the following items, the NRA may rescind the permission set forth in Article 61-3, paragraph (1) or specify a period not exceeding one year and order the suspension of the use of international controlled material for that period:

- (i) when an international controlled material user comes to fall under any of Article 61-4, items (ii) through (iv);
- (ii) when the user has changed a particular for which the licensee is required to make a notification pursuant to the provisions of Article 61-5, paragraph (1), without making a notification;
- (iii) when the user has violated the provisions of Article 61-8, paragraph (1) or (4), or has violated an order under the provisions of paragraph (3) of that Article; or
- (iv) when the user has violated the conditions set forth in Article 62-2, paragraph (2).

(Records)

Article 61-7 Pursuant to the provisions of the rules of the NRA, a person using international controlled material (including a licensee of spent fuel storage activity storing international controlled material (including former licensee of spent fuel storage activity, etc.; hereinafter the same applies in this Article) and a licensee of radioactive waste disposal or storage activity disposing of international controlled material (including former licensee of radioactive waste disposal or storage activity, etc.; hereinafter the same applies in this Article); hereinafter the same applies in Article 61-9, Article 67, paragraph (1), Article 68, paragraphs (10) through (13), Article 78, item (xxix), and Article 80, item (x)) must record the particulars specified by the rules of the NRA concerning the use of international controlled material (including storage of



international controlled material by a licensee of spent fuel storage activity and disposal of international controlled material by a licensee of radioactive waste disposal or storage activity; the same applies in paragraph (1) of the following Article and Article 61-10), and keep this record at the factory or place of activity (or vessel, in cases pertaining to reactors to be installed on a vessel; the same applies in Article 61-8-2, paragraph (2), item (i), Article 61-23-7, paragraph (3), Article 68 (excluding paragraph (2)), Article 71, paragraph (3), and Article 72, paragraph (3)).

(Accounting Provisions)

- Article 61-8 (1) An international controlled material user, a person prescribed in the items of Article 61-3, paragraph (1) (excluding item (i)) in cases falling under any of those items, and a person prescribed in paragraphs (5), (6), (8) and (9) of that Article (hereinafter referred to as "international controlled material user, etc."), in order to ensure proper measurement and control of international controlled material, must establish accounting provisions, pursuant to the provisions of the rules of the NRA, and obtain the approval of the NRA before commencing the use of international controlled material. The same applies when making changes to the provisions.
- (2) When the NRA finds that the accounting provisions are not sufficient for ensuring proper measurement and control of international controlled material, it must not grant the approval set forth in the preceding paragraph.
- (3) When the NRA finds it necessary in order to ensure proper measurement and control of international controlled material, it may order the international controlled material user, etc. to change the accounting provisions.
- (4) An international controlled material user, etc. and their employees must observe the accounting provisions.

(Safeguards Inspection)

- Article 61-8-2 (1) An international controlled material user, etc., pursuant to the provisions of the rules of the NRA, must undergo a periodic inspection conducted by the NRA regarding the state of measurement and management of international controlled material within the scope necessary for implementing safeguards based on the safeguards agreement.
- (2) In conducting the inspection set forth in the preceding paragraph (hereinafter referred to as "safeguards inspection"), an NRA staff member designated by the NRA may carry out the following particulars specified by the rules of the NRA:
- (i) entering the office, factory, or place of activity;
  - (ii) inspecting books, documents, and any other necessary articles;
  - (iii) requesting the submission of nuclear source material, nuclear fuel material or any other necessary samples (limited to the minimum amount

- necessary for tests); and
- (iv) affixing seals or installing devices necessary for monitoring the transfer of international controlled material.
- (3) When a staff member makes an entry pursuant to the provisions of item (i) of the preceding paragraph, the staff member must carry an identification card and present it when requested by relevant persons.
  - (4) The authority under the provisions of paragraph (2) must not be construed as being granted for the purpose of criminal investigation.
  - (5) It is prohibited for any person to remove or damage a seal or device affixed or installed pursuant to the provisions of paragraph (2), item (iv) without legitimate grounds.

(Order to Return Materials)

Article 61-9 The NRA may order a person using international controlled material to return or transfer international controlled material when the case falls under any of the following items:

- (i) when the international agreement is suspended or abolished, or the period of the international agreement has expired; or
- (ii) when a government of the State (including international organizations; the same applies hereinafter) that has supplied international controlled material based on the international agreement has exercised its purchasing priority.

(Notification of Discontinuation of Use)

- Article 61-9-2 (1) When an international controlled material user has discontinued all use of international controlled materials, the user, pursuant to the provisions of the rules of the NRA, must notify the NRA of the fact.
- (2) When a notification pursuant to the provisions of the preceding paragraph has been made, the permission set forth in Article 61-3, paragraph (1) ceases to be effective.
  - (3) When an international controlled material user has dissolved or died, and there is no inheritance pursuant to the provisions of Article 61-5-2, paragraph (1) or Article 61-5-3, paragraph (1), the liquidator, bankruptcy trustee, or a person who controls the inherited property in lieu of the heir must notify the NRA of the fact as specified by the rules of the NRA.

(Measures Associated with the Discontinuation of Use)

Article 61-9-3 (1) A former international controlled material user, etc. (an international controlled material user whose permission has been rescinded pursuant to the provisions of Article 61-6, or a person who must make a notification pursuant to the provisions of paragraph (1) or (3) of the preceding Article; the same applies in the following paragraph), must take measures for

transferring, etc. international controlled material pursuant to the provisions of the rules of the NRA.

- (2) A former international controlled material user, etc. must report the measures taken pursuant to the provisions of the preceding paragraph to the NRA within thirty days from the date that the user's permission as an international controlled material user has been rescinded pursuant to the provisions of Article 61-6, the date that the user discontinued all use of international controlled materials, or the date of the dissolution or death of the international controlled material user.

(Notification of International Specified Activities)

Article 61-9-4 (1) A person who conducts international specified activities must, pursuant to the provisions of Cabinet Order, make a notification to the NRA within thirty days of commencing the international specified activities; provided, however, that this does not apply when conducting international specified activities by using international controlled material.

- (2) A person who seeks to make a notification pursuant to the provisions of the preceding paragraph must submit a written notification stating the following particulars to the NRA:

(i) the name and address of the applicant and, in the case of a corporation, the name of its representative;

(ii) the type of international specified activities;

(iii) the scale of the international specified activities and other outline of the activities specified by the rules of the NRA;

(iv) the place where the international specified activities are to be conducted; and

(v) the estimated activity period.

- (3) When a person who has made a notification pursuant to the provisions of paragraph (1) (hereinafter referred to as "international specified activities implementer") has changed any particular listed in the items of the preceding paragraph, the person must notify the NRA of the change within thirty days of the day that the change was made.

- (4) When an international specified activities implementer has completed all international specified activities pertaining to the relevant notification, the implementer, pursuant to the provisions of the rules of the NRA, must notify the NRA of the fact.

- (5) The liquidator or bankruptcy trustee in the case of a dissolution or death of an international specified activities implementer, the representative of a corporation that continues to exist after the merger or that is established by the merger, or the representative of a corporation that has succeeded to the international specified activities by the split, or the heir or a person who

controls the inherited property in lieu of the heir, must notify the NRA of the fact pursuant to the provisions of the rules of the NRA.

## **Section 2 Designated Information Processing Organizations**

(Entrustment of Information Processing Work)

Article 61-10 When the NRA finds that it contributes to the proper implementation of safeguards based on international agreements, the NRA may, pursuant to the provisions of Cabinet Order, entrust a person whom it designates (hereinafter referred to as "designated information processing organization") with the analysis of information and other processing work (hereinafter referred to as "information processing work") concerning the status of the use of international controlled material.

(Designation)

Article 61-11 The designation set forth in the preceding Article is to be made based on the applications from persons who seek to conduct information processing work.

(Criteria for the Designation)

Article 61-12 When an application for the designation set forth in Article 61-10 is made, the NRA must not grant the designation set forth in that Article unless it finds that the application complies with the following items:

- (i) that the applicant has sufficient technical capability and financial basis for performing the information processing work competently;
- (ii) that the applicant is a general incorporated association or general incorporated foundation whose composition of officers or members is not likely to hinder the fair performance of information processing work;
- (iii) if the applicant is engaged in work other than information processing work, that the work is not likely to hinder the appropriate performance of information processing work; and
- (iv) that granting the designation is not likely to impede the appropriate and smooth implementation of safeguards based on international agreements.

(Ineligibility for the Designation)

Article 61-13 A person who falls under one of the following items is not granted the designation set forth in Article 61-10:

- (i) a person whose designation under Article 61-10 has been rescinded pursuant to the provisions of Article 61-21, and for whom two years have not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for

violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence;

(iii) a person, any of whose officers conducting their business operations falls under any of the preceding items.

(Change of Name and Other Particulars)

Article 61-14 A designated information processing organization that seeks to change its name, address, or the location of the office where it conducts information processing work must make a notification to the NRA in advance.

(Duty to Implement Work)

Article 61-15 When a designated information processing organization is requested by the NRA to conduct information processing work, the organization must, without delay, conduct the information processing work, with the exception of cases when there are legitimate grounds not to do so.

(Operational Rules)

Article 61-16 (1) A designated information processing organization must establish rules relating to information processing work (hereinafter referred to as "operational rules" in this Section) and obtain the approval of the NRA. The same applies when making changes to the rules.

(2) The particulars that should be prescribed in the operational rules are to be specified by the rules of the NRA.

(3) When the NRA finds that the operational rules for which the approval set forth in paragraph (1) was granted have become inappropriate for properly performing information processing work, the NRA may order the designated information processing organization to change the rules.

(Business Plan)

Article 61-17 (1) A designated information processing organization, before the start of each business year (for the business year in which the organization has obtained the designation, after the designation without delay), must create a business plan and an income and expenditure budget for the business year and obtain the approval of the NRA. The same applies when making changes to the business plan and the budget.

(2) A designated information processing organization, within three months after the end of each business year, must create a business report and statement of income and expenditure for the business year, and submit them to the NRA.

(Duty of Confidentiality)

Article 61-18 An officer or employee of a designated information processing organization, or a person who held those posts, must not divulge any secret that the person has learned with respect to information processing work.

(Order for Conformity)

Article 61-19 When the NRA finds that a designated information processing organization has ceased to comply with Article 61-12, items (i) through (iii), it may order the designated information processing organization to take necessary measures in order to comply with these provisions.

(Suspension or Discontinuation of Work)

Article 61-20 A designated information processing organization must not suspend or discontinue all or part of its information processing work unless it obtains the permission of the NRA.

(Rescission of Designation)

Article 61-21 When a designated information processing organization falls under any of the following items, the NRA may rescind the designation set forth in Article 61-10, or specify a period not exceeding one year and order suspension of all or part of its information processing work for that period:

- (i) when a designated information processing organization comes to fall under Article 61-13, item (ii) or (iii);
- (ii) when a designated information processing organization has violated the provisions of Article 61-14, Article 61-15, Article 61-17 or the preceding Article;
- (iii) when a designated information processing organization has conducted information processing work without following the operational rules for which the approval set forth in Article 61-16, paragraph (1) was obtained; or
- (iv) when a designated information processing organization has violated an order under the provisions of Article 61-16, paragraph (3) or Article 61-19.

(Public Notice)

Article 61-22 The NRA is to issue a public notice in the Official Gazette in the following cases:

- (i) when the NRA has granted the designation set forth in Article 61-10;
- (ii) when the NRA has granted the permission set forth in Article 61-20; and
- (iii) when the NRA has rescinded the designation pursuant to the provisions of the preceding Article.

(Collection of Reports)

Article 61-23 (1) The NRA may request a designated information processing organization, to the extent necessary for ensuring appropriate performance of information processing work by a designated information processing organization, to submit a report relating to its work or accounting, or have an NRA staff member enter the office or place of activity of the organization and inspect the books, documents and other necessary articles of the organization, or question relevant persons.

(2) When the NRA staff member enters the office or place of activity pursuant to the provisions of the preceding paragraph, the staff member must carry an identification card and present it when requested by relevant persons.

(3) The authority for inspection pursuant to the provisions of paragraph (1) must not be construed as being granted for the purpose of criminal investigation.

### **Section 3 Designated Organizations Implementing Safeguards Inspections**

(Designated Organizations Implementing Safeguards Inspections)

Article 61-23-2 The NRA may, pursuant to the provisions of the rules of the NRA, have a person it has designated (hereinafter referred to as "designated organization implementing safeguards inspections, etc.") conduct all or part of the following work (hereinafter referred to as "work implemented for safeguards inspections, etc."):

(i) safeguards inspection conducted based on the implementation instructions prescribed in Article 61-23-7, paragraph (1);

(ii) test of samples that were submitted pursuant to the provisions of Article 61-8-2, paragraph (2), item (iii), samples that were removed pursuant to the provisions of Article 68, paragraph (4) or samples that were removed pursuant to the provision of paragraph (1) of that Article (limited to those that were removed for the purpose of implementing safeguards pursuant to the safeguards agreement or the Additional Protocol), and the confirmation of records made by the device installed pursuant to the provisions of Article 61-8-2, paragraph (2), item (iv), or Article 68, paragraph (10) or (11);

(iii) research and study related to technical inspections necessary for proper implementation of safeguards based on the safeguard agreement or the Additional Protocol and other work, specified by Cabinet Order.

(Designation)

Article 61-23-3 (1) The designation set forth in the preceding Article is made based on an application from a person who seeks to conduct work implemented for safeguards inspections, etc.

(2) A person who seeks to submit an application set forth in the preceding

paragraph must attach documents specified by the rules of the NRA to an application form stating the following particulars, and submit them to the NRA:

- (i) the name and address of the applicant, and the name of their representative;
  - (ii) the location of the place of activity where work implemented for safeguards inspections, etc. is to be carried out; and
  - (iii) beyond what is set forth in the preceding two items, other particulars that are specified by the rules of the NRA as those necessary for the designation referred to in the preceding Article.
- (3) When the NRA grants the designation set forth in the preceding Article, it is not to conduct the safeguards inspection to be carried out by the designated organization implementing safeguards inspections, etc.

(Criteria for the Designation)

Article 61-23-4 When an application for the designation set forth in paragraph (1) of the preceding Article is made, the NRA must not grant the designation set forth in Article 61-23-2, unless it finds that the application complies with the following items:

- (i) that the safeguards inspection is carried out by persons who have knowledge and experience that conform to the conditions specified by the rules of the NRA, and the number of those persons is not less than the number specified by the rules of the NRA;
- (ii) that the applicant has sufficient technical capability and financial basis for executing the work implemented for safeguards inspections, etc. competently;
- (iii) that the applicant is a general incorporated association or general incorporated foundation whose composition of officers or members is not likely to hinder the appropriate execution of work implemented for safeguards inspections, etc.;
- (iv) if the applicant is engaged in business other than work implemented for safeguards inspections, etc., that the business is not likely to hinder the appropriate execution of work implemented for safeguards inspections, etc.;
- (v) that granting the designation is not likely to impede the appropriate and smooth implementation of safeguards based on the safeguards agreement and the Additional Protocol.

(Ineligibility for the Designation)

Article 61-23-5 A person who falls under one of the following items is not granted the designation set forth in Article 61-23-2:

- (i) a person whose designation under Article 61-23-2 has been rescinded pursuant to the provisions of Article 61-23-16, and for whom two years have



- not yet elapsed from the day of the rescission;
- (ii) a person who has been sentenced to a fine or severer punishment for violating the provisions of this Act or an order based on this Act, and for whom two years have not yet elapsed since the day on which the execution of the sentence was completed or the person ceased to be subject to the execution of the sentence; or
  - (iii) a person, any of whose officers conducting its business operations falls under any of the following sub-items:
    - (a) a person who falls under the preceding item; or
    - (b) a person who has been dismissed based on an order under the provisions of Article 61-23-12, and for whom two years have not yet elapsed from the day of the dismissal.

(Change of Name)

Article 61-23-6 A designated organization implementing safeguards inspections, etc. that seeks to change its name, address, or the location of the place of activity where work implemented for safeguards inspections, etc. is carried out must notify the NRA of the fact in advance.

(Implementation of Safeguards Inspections)

- Article 61-23-7 (1) When the NRA seeks to request a designated organization implementing safeguards inspections, etc. to conduct a safeguards inspection, the NRA must issue implementation instructions that states the date, time, and place of the safeguards inspection as well as any other particulars specified by the rules of the NRA (including target objects and the positions on which seals and devices are required to be affixed or installed pursuant to the provisions of Article 61-8-2, paragraph (2), item (iv)). In such a case, the content to be stated in the implementation instructions must clarify the particulars prescribed in the relevant paragraph that should be carried out with regard to the safeguards inspection, and must also include the instruction that when it becomes necessary to handle a particular not stated in the instructions, the NRA staff member designated by the NRA should be notified immediately.
- (2) When a designated organization implementing safeguards inspections, etc. is issued the implementation instructions set forth in the preceding paragraph, the organization must make the person prescribed in Article 61-23-4, item (i) (hereinafter referred to as "safeguards inspector") implement the safeguards inspection in accordance with the content stated in the implementation instructions.
  - (3) When the safeguards inspector from the designated organization implementing safeguards inspections, etc. enters the office, factory or place of

activity of an international controlled material user, etc., the inspector must carry the implementation instructions set forth in paragraph (1) or a copy of the implementation instructions, and produce the instructions when requested by relevant persons.

- (4) When a designated organization implementing safeguards inspection, etc. has conducted a safeguards inspection, it must, without delay, notify the NRA of the results of the safeguards inspection pursuant to the provisions of the rules of the NRA.

#### (Operational Rules)

Article 61-23-8 (1) A designated organization implementing safeguards inspections, etc. must establish rules relating to the work implemented for safeguards inspections, etc. (hereinafter referred to as "operational rules" in this Section), and obtain the approval of the NRA. The same applies when making changes to the rules.

- (2) The particulars that should be prescribed in the operational rules are to be specified by the rules of the NRA.
- (3) When the NRA finds that the operational rules for which the approval set forth in paragraph (1) has been granted have become inappropriate for properly executing the work implemented for safeguards inspections, etc., the NRA may order the designated organization implementing safeguards inspections, etc. to change the operational rules.

#### (Separate Accounting)

Article 61-23-9 A designated organization implementing safeguards inspections, etc. must separate the accounting pertaining to work implemented for safeguards inspections, etc. from other accounting.

#### (Subsidies)

Article 61-23-10 The State may issue a subsidy equivalent to all or part of the expenses required for work implemented for safeguards inspections, etc. to a designated organization implementing safeguards inspections, etc., within the scope of its budget.

#### (Appointment and Dismissal of Officers)

Article 61-23-11 (1) The appointment and dismissal of officers of a designated organization implementing safeguards inspections, etc. does not take effect unless the approval of the NRA is obtained.

- (2) The appointment of a safeguards inspector of a designated organization implementing safeguards inspections, etc. does not take effect unless the approval of the NRA is obtained.

(Dismissal Order)

Article 61-23-12 When an officer or a safeguards inspector of a designated organization implementing safeguards inspections, etc. has violated this Act or an order based on this Act, or the operational rules, or when the officer or safeguards inspector is found to be inappropriate for conducting their duties, the NRA may order the designated organization implementing safeguards inspections, etc. to dismiss the officer or the safeguards inspector.

(Status of Officers and Employees)

Article 61-23-13 The officers and employees of a designated organization implementing safeguards inspections, etc. engaged in work for safeguards inspections is deemed as employees engaged in public services by laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Supervision Order)

Article 61-23-14 The NRA may give orders to the designated organization implementing safeguards inspections, etc. necessary for supervision of the work implemented for safeguards inspections, etc., to the extent necessary for enforcing the provisions of this Section.

(Suspension or Discontinuation of Work)

Article 61-23-15 A designated organization implementing safeguards inspections, etc. must not suspend or discontinue all or part of the work implemented for safeguards inspections, etc. without obtaining the permission of the NRA.

(Rescission of Designation)

Article 61-23-16 When a designated organization implementing safeguards inspections, etc. falls under any of the following items, the NRA may rescind the designation set forth in Article 61-23-2, or specify a period not exceeding one year and order suspension of all or part of the work implemented for safeguards inspections, etc. for that period:

- (i) when a designated organization implementing safeguards inspections, etc. has violated the provisions of this Section;
- (ii) when a designated organization implementing safeguards inspections, etc. comes to fall under Article 61-23-5, item (ii) or (iii);
- (iii) when a designated organization implementing safeguards inspections, etc. has conducted work implemented for safeguards inspections, etc. without following the operational rules for which the approval set forth in Article 61-23-8, paragraph (1) was obtained;

- (iv) when a designated organization implementing safeguards inspections, etc. has violated an order under the provisions of Article 61-23-8, paragraph (3), Article 61-23-12, or Article 61-23-14;
- (v) when a designated organization implementing safeguards inspections, etc. has obtained the designation set forth in Article 61-23-2 through wrongful means; or
- (vi) when a designated organization implementing safeguards inspections, etc. has violated the conditions set forth in Article 62-2, paragraph (1).

(Entries in Books)

- Article 61-23-17 (1) A designated organization implementing safeguards inspections, etc. must keep books and enter the particulars specified by the rules of the NRA concerning work implemented for safeguards inspections, etc.
- (2) The books set forth in the preceding paragraph must be preserved pursuant to the provisions of the rules of the NRA.

(Safeguards Inspection by the Nuclear Regulation Authority)

- Article 61-23-18 (1) When a designated organization implementing safeguards inspections, etc. has obtained the permission set forth in Article 61-23-15 and has suspended all or part of the work for safeguards inspections, when the NRA has ordered a designated organization implementing safeguards inspections, etc. to suspend all or part of the work for safeguards inspections pursuant to the provisions of Article 61-23-16, or when it has become difficult for a designated organization implementing safeguards inspections, etc. to implement all or part of the work for safeguards inspection due to a natural disaster or any other grounds, if the NRA finds it to be necessary, it is to conduct all or part of the work for the relevant safeguards inspection itself.
- (2) The succession of work for safeguards inspections and any other necessary particulars when the NRA itself conducts all or part of the work for safeguards inspection pursuant to the provisions of the preceding paragraph, when a designated organization implementing safeguards inspections, etc. has obtained the permission set forth in Article 61-23-15 and discontinues all or part of the work for safeguards inspection, or when the NRA has rescinded the designation of a designated organization implementing safeguards inspections, etc. pursuant to the provisions of Article 61-23-16, are specified by the rules of the NRA.

(Public Notice)

- Article 61-23-19 The NRA is to issue a public notice in the Official Gazette in the following cases:
- (i) when the NRA has granted the designation set forth in Article 61-23-2;

- (ii) when the NRA has received a notification (limited to a notification related to name or address) pursuant to the provisions of Article 61-23-6;
- (iii) when the NRA has granted the permission set forth in Article 61-23-15 (limited to the permission related to safeguards inspections);
- (iv) when the NRA has rescinded a designation pursuant to the provisions of Article 61-23-16, or has ordered the suspension of all or part of the work for a safeguards inspection; or
- (v) when the NRA has decided to conduct all or part of the work for safeguards inspection itself pursuant to the provisions of paragraph (1) of the preceding Article, or has decided not to conduct all or part of the work for safeguards inspection that it had been conducting.

(Application, Mutatis Mutandis)

Article 61-23-20 The provisions of Article 61-17, Article 61-18, and Article 61-23 apply mutatis mutandis to designated organizations implementing safeguards inspections, etc. In this case, the term "information processing work" in Article 61-18 is deemed to be replaced with "work for safeguards inspection," and the term "information processing work" in Article 61-23, paragraph (1) is deemed to be replaced with "work implemented for safeguards inspections, etc."

(Delegation to the Rules of the Nuclear Regulation Authority)

Article 61-23-21 Beyond what is provided for in this Section, necessary particulars related to the finance and accounting of designated organizations implementing safeguards inspections, etc., and any other necessary particulars related to designated organizations implementing safeguards inspections, etc. are specified by the rules of the NRA.

### **Chapter XIII Miscellaneous Provisions (Restriction on Discharge to Sea)**

(Restriction on Discharge to Sea)

- Article 62 (1) Nuclear source material, nuclear fuel material, or material contaminated by these materials must not be discharged to sea; provided, however, that this does not apply to cases that are inevitable for ensuring the safety of human life, vessel, aircraft, or artificial marine structure.
- (2) The term "discharged to sea" as used in the preceding paragraph means the disposal of material from a vessel, an aircraft, or an artificial marine structure into the sea, or the combustion of materials on a vessel or an artificial marine structure for the purpose of disposing of the material; provided, however, that this does not apply to the disposal of material that is generated from the operation of the vessel, aircraft, artificial marine structure, or their equipment from the vessel, aircraft, or artificial marine structure into the sea, or to the

combustion of material that is generated from the operation of the vessel, artificial marine structure, or their equipment on a vessel or an artificial marine structure for the purpose of disposing of the material.

(Conditions for Designation or Permission)

Article 62-2 (1) Conditions may be attached to the designation or permission provided for in this Act, with the exception of the cases specified in the following paragraph.

(2) Limitations on the usage or transfer of international controlled material, and other conditions necessary for implementing international agreements may be attached to the designation set forth in Article 3, paragraph (1) or Article 44, paragraph (1), or to the permission set forth in Article 13, paragraph (1), Article 23, paragraph (1), Article 43-3-5, paragraph (1), Article 43-4, paragraph (1), Article 51-2, paragraph (1), Article 52, paragraph (1), or Article 61-3, paragraph (1).

(3) The conditions set forth in the two preceding paragraphs are limited to those minimum necessary for ensuring the implementation of particulars pertaining to the designation or permission, and must be those that do not impose an undue obligation on the person obtaining the designation or permission.

(Clarification of Criteria for Nuclear Facilities)

Article 62-2-2 In establishing the criteria for nuclear facilities specified in this Act, the NRA is to endeavor to clarify the criteria in accordance with the safety characteristics of each nuclear facility while taking into account the latest knowledge on safety in using nuclear power.

(Report to Competent Ministers)

Article 62-3 In the event that an accident that has caused impairment to a human being (including an accident that may cause impairment to a human being), a malfunction of the nuclear facilities, etc., or other events specified by the order of the competent ministry (order issued by the minister or the authority prescribed in the following items (hereinafter referred to as "competent minister" in this Article) in accordance with the category of the nuclear operator, etc. listed in the relevant items (Cabinet Office Order in the case that a notification pursuant to the provisions of Article 59, paragraph (5) has been made); hereinafter the same applies in this Article) occurs at nuclear facilities, etc., the nuclear operator etc. (including nuclear source material users; hereinafter the same applies in this Article) must, pursuant to the provisions of the order of the competent ministry, report on the state of the event and any other particulars specified by the order of the competent ministry to the competent minister (or the prefectural public safety commission

if a notification pursuant to the provisions of the relevant paragraph has been made), without delay:

- (i) a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, operator of a foreign nuclear vessel, licensee of power reactor operations, licensee of spent fuel storage activity, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, and user (including former licensee of refining, etc., former licensee of fabrication or enrichment activity, etc., former licensee of research and test reactor operations, etc., former licensee of power reactor operations, etc., former licensee of spent fuel storage activity, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal or storage activity, etc., and former user, etc.): the NRA (the NRA and the Minister of Land, Infrastructure, Transport and Tourism in cases related to the transport prescribed in Article 59, paragraph (1); the Minister of Land, Infrastructure, Transport and Tourism in cases related to transport via vessel or aircraft); and
- (ii) a nuclear source material user: the NRA.

(Notification to Police Officers)

Article 63 When the nuclear fuel material that a nuclear operator, etc.

(including a person entrusted with the transport from a nuclear operator, etc. and a storage contractor) possesses is stolen or lost, or any other event has occurred to the material, the nuclear operator, etc. must notify a police officer or a coast guard officer of the fact without delay.

(Emergency Measures)

Article 64 (1) When an earthquake, fire, or any other disaster occurs and is

likely to cause or causes a disaster involving nuclear fuel material, material contaminated by nuclear fuel material, or reactors that a nuclear operator, etc. (including a person entrusted with the transport from a nuclear operator, etc. and a storage contractor; hereinafter the same applies in this Article and paragraphs (1) and (2) of the following Article) possesses, the nuclear operator, etc. must take emergency measures immediately, pursuant to the provisions of the order of the competent ministry (meaning order issued by the Minister or the authority prescribed in the items of paragraph (3) in accordance with the category of the nuclear operator, etc. listed in the relevant items).

(2) A person that has discovered a situation set forth in the preceding paragraph must notify a police officer or a coast guard officer of the fact immediately.

(3) In the case set forth in paragraph (1) or in the case that there is an urgent risk of the occurrence of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, when the NRA or

the Minister of Land, Infrastructure, Transport and Tourism finds it urgently necessary in order to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, the NRA or the Minister may order the person prescribed in that paragraph in accordance with the category of the nuclear operator, etc. listed in the relevant items to suspend use of the refining facilities, fuel fabrication facilities, research and test reactor facilities, power reactor facilities, spent fuel storage facilities, reprocessing facilities, waste burial facilities or waste storage facilities, or usage facilities, to change the place where the nuclear fuel material or material contaminated by nuclear fuel material is located, or take any other measures necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors:

- (i) a licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, operator of a foreign nuclear vessel, licensee of power reactor operations, licensee of spent fuel storage activity, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, and user (including former licensee of refining, etc., former licensee of fabrication or enrichment activity, etc., former licensee of research and test reactor operations, etc., former licensee of power reactor operations, etc., former licensee of spent fuel storage activity, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal or storage activity, etc., and former user, etc.), and a person entrusted with the transport from these persons: the NRA (the NRA or the Minister of Land, Infrastructure, Transport and Tourism in cases related to the transport prescribed in Article 59, paragraph (1), in accordance with the category prescribed in that paragraph; the Minister of Land, Infrastructure, Transport and Tourism in cases related to transport via vessel or aircraft); and
- (ii) a storage contractor: the NRA.

(Designation of Specified Nuclear Facilities)

Article 64-2 (1) In the case that a nuclear operator, etc. has taken the measures set forth in paragraph (1) of the preceding Article (including measures taken upon receiving an order under the provisions of paragraph (3) of the same Article) at the refining facilities, fuel fabrication facilities, research and test reactor facilities, power reactor facilities, spent fuel storage facilities, reprocessing facilities, waste burial facilities, waste storage facilities, or usage facilities that the operator installed, when the NRA finds it particularly necessary to manage the installed facilities in an appropriate manner in accordance with the situation of the relevant facilities, in order to prevent disasters resulting from nuclear fuel material, material contaminated by



nuclear fuel material, or reactors, or to protect specified nuclear fuel material, the NRA may designate the relevant facilities as facilities requiring special measures for operational safety or physical security of specified nuclear fuel material (hereinafter referred to as "specified nuclear facilities").

- (2) When the NRA has designated specified nuclear facilities, it is to require the nuclear operator, etc. related to the relevant specified nuclear facilities (referred to as the "licensee of the specified nuclear facilities, etc." in the following Article) to submit a plan to implement measures for operational safety or physical security of specified nuclear fuel material (hereinafter referred to as an "implementation plan") with regard to the relevant specified nuclear facilities by immediately indicating the particulars for which the measures should be taken and the deadline for taking the measures.
- (3) When the NRA finds that the grounds for the designation prescribed in paragraph (1) no longer exist with regard to the specified nuclear facilities, it is to rescind the designation prescribed in that paragraph with regard to the relevant specified nuclear facilities.
- (4) When the NRA has designated the specified nuclear facilities pursuant to the provisions of paragraph (1) or has rescinded the designation of the specified nuclear facilities pursuant to the provisions of the preceding paragraph, the NRA must make the fact public.

(Implementation Plan)

- Article 64-3 (1) When the designation set forth in paragraph (1) of the preceding Article has been granted, a licensee of the specified nuclear facilities, etc. must create an implementation plan with regard to the particulars indicated pursuant to the provisions of paragraph (2) of that Article and submit the plan to the NRA by the deadline indicated pursuant to the provisions of that paragraph, and obtain approval of the NRA.
- (2) The licensee of the specified nuclear facilities, etc. who has obtained the approval set forth in the preceding paragraph must obtain the approval of the NRA when the licensee seeks to make changes to the approved implementation plan.
  - (3) When the NRA finds that the implementation plan is not sufficient for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, or for protecting specified nuclear fuel material, the NRA must not grant the approval set forth in the preceding two paragraphs.
  - (4) When the NRA finds it necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, or for protecting specified nuclear fuel material, the NRA may order the licensee of the specified nuclear facilities, etc. to make changes to the

implementation plan.

- (5) A licensee of the specified nuclear facilities, etc. must implement measures for the operational safety of specified nuclear facilities or for the physical security of specified nuclear fuel material in compliance with the implementation plan.
- (6) When the NRA finds that the measures for the operational safety of specified nuclear facilities or for the physical security of specified nuclear fuel material are in violation of the provisions of the preceding paragraph or that the measures are not sufficient for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, or for protecting specified nuclear fuel material, the NRA may order the licensee of the specified nuclear facilities, etc. to take necessary measures for the operational safety of specified nuclear facilities or for the physical security of specified nuclear fuel material.
- (7) A licensee of the specified nuclear facilities, etc. must undergo an inspection conducted by the NRA as specified by the implementation plan, regarding whether the measures for the operational safety of specified nuclear facilities or for the physical security of specified nuclear fuel material are implemented in compliance with the implementation plan.
- (8) The provisions of Article 61-2-2, paragraphs (3) through (5) apply mutatis mutandis to an inspection set forth in the preceding paragraph. In this case, the phrase "the following particulars specified by the rules of the NRA" in paragraph (3) of that Article is deemed to be replaced with "the following particulars specified by the NRA."

(Special Provisions for Specified Nuclear Facilities)

Article 64-4 Only a part of the provisions of this Act may be applied to specified nuclear facilities, pursuant to the provisions of Cabinet Order, only when it is ensured that the measures for operational safety or physical security of specified nuclear fuel material are to be implemented properly in compliance with the implementation plan. In this case, the necessary particulars are specified by Cabinet Order.

Article 65 Deleted

(Reporting to the Nuclear Regulation Authority)

- Article 66 (1) In the case that there is a fact that a nuclear operator, etc. (excluding operators of a foreign nuclear vessel; hereinafter the same applies in this Article) has violated the provisions of this Act or an order based on this Act, the employees of the nuclear operator, etc. may report the fact to the NRA.
- (2) A nuclear operator, etc. must not dismiss an employee, or give an employee

other disadvantageous treatment due to the the employee having made a report set forth in the preceding paragraph.

(Collecting Reports)

- Article 67 (1) The NRA, the Minister of Land, Infrastructure, Transport and Tourism, or the prefectural public safety commission may request, to the extent necessary for enforcing this Act (the provisions of Article 59, paragraph (6) in the case of the prefectural public safety commission), a nuclear operator, etc. (including nuclear source material users, persons using international controlled material, and international specified activities implementers) to make a report relating to their activity, in accordance with the category of the nuclear operator, etc. set forth in the items of Article 64, paragraph (3) (notwithstanding the relevant category set forth in the items of the same paragraph, the NRA is to make this request to nuclear source material users, persons using international controlled material, and international specified activities implementers, and the prefectural public safety commission is to make this request in the case that the notification prescribed in Article 59, paragraph (5) has been made).
- (2) In addition to collecting reports pursuant to the provisions of the preceding paragraph, in the case that a nuclear operator, etc. (excluding operators of a foreign nuclear vessel, and in the case of users and former users, etc., limited to those who are required to establish safety regulations pursuant to the provisions of Article 57, paragraph (1); hereinafter the same applies in this paragraph) has been requested to make a report pursuant to that paragraph, and the NRA or the Minister of Land, Infrastructure, Transport and Tourism finds it particularly necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, the NRA or the Minister may request, to the extent necessary for enforcing this Act, the the business operator that has conducted maintenance and inspection of the refining facilities, fuel fabrication facilities, research and test reactor facilities, nuclear power reactor facilities, spent fuel storage facilities, reprocessing facilities, waste burial facilities, waste storage facilities or usage facilities, etc. installed by nuclear operators, etc., to make necessary reports.
- (3) The NRA may, in addition to collecting reports pursuant to the provisions of paragraph (1), request the person who has obtained the designation for the type of specified equipment with the type certificate pursuant to the provisions of Article 43-3-31, paragraph (1) or the person who has obtained the designation for the type of specified container, etc. with the type certificate pursuant to the provisions of Article 43-26-3, paragraph (1) to make necessary reports, to the extent necessary for enforcing the provisions of Article 43-3-31, paragraph (1) and Article 43-26-3, paragraph (1).

- (4) The NRA or the Minister of Land, Infrastructure, Transport and Tourism, in addition to collecting reports pursuant to the provisions of paragraph (1), may request the captain of a vessel or other relevant persons to make necessary reports, to the extent necessary for enforcing the provisions of Article 62, paragraph (1).
- (5) The NRA may, in addition to collecting reports pursuant to the provisions of paragraph (1), request the person using international controlled material or other persons to make a report on the particulars related to requests by the International Atomic Energy Agency and any other particulars specified by Cabinet Order, to the extent necessary for making a report or providing an explanation to the International Atomic Energy Agency pursuant to the provisions of the Additional Protocol.

(Nuclear Inspector)

Article 67-2 (1) The NRA is to have in place nuclear inspectors.

- (2) A nuclear inspector engages in duties pertaining to the nuclear regulatory inspection or the inspection referred to in Article 64-3, paragraph (7), or the confirmation referred to in Article 12-6, paragraph (8) (including as applied mutatis mutandis pursuant to Article 22-8, paragraph (3), Article 43-3-2, paragraph (3), Article 43-3-34, paragraph (3), Article 43-27, paragraph (3), Article 50-5, paragraph (3), Article 51-25, paragraph (3), and Article 57-5, paragraph (3)), Article 12-7, paragraph (9) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 43-28, paragraph (4), Article 51, paragraph (4), Article 51-26, paragraph (4), and Article 57-6, paragraph (4)), Article 16-3, paragraph (3), Article 28, paragraph (3), Article 43-3-11, paragraph (3), Article 43-9, paragraph (3), Article 46, paragraph (3), Article 51-6, Article 51-8, paragraph (3), Article 51-24-2, paragraph (2), Article 55-2, paragraph (3), Article 58, paragraph (2), or Article 59, paragraph (2) (limited to the confirmation by the NRA) or Article 61-2, paragraph (1).
- (3) The necessary particulars related to the fixed number and qualifications of the nuclear inspectors are specified by Cabinet Order.

(On-site Inspections)

Article 68 (1) The NRA, the Minister of Land, Infrastructure, Transport and Tourism, or the prefectural public safety commission, to the extent necessary for enforcing this Act (for the NRA or the Minister of Land, Infrastructure, Transport and Tourism, the provisions of this Act in accordance with the category of the nuclear operator, etc. listed in the items of Article 64, paragraph (3) (notwithstanding the category set forth in the items of the same paragraph, the NRA for nuclear source material users, international controlled

material users, in the case that the persons fall under any of the items of Article 61-3, paragraph (1), the persons prescribed in the relevant items, the persons prescribed in paragraphs (5), (6), (8) and (9) of the same Article, and international specified activities implementers,); for the prefectural public safety commission, the provisions of Article 59, paragraph (6)), may have their employees (a police officer in the case of the prefectural public safety commission) enter the office, factory or place of activity of a nuclear operator, etc. (including nuclear source material users, international controlled material users, in the case that the persons that fall under any of the items of Article 61-3, paragraph (1), persons prescribed in the relevant items, the persons prescribed in paragraphs (5), (6), (8) and (9) of the same Article, and international specified activities implementers), inspect books, documents and any other necessary articles, and question relevant persons, or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for tests.

(2) The NRA, in addition to the on-site inspection prescribed in the preceding paragraph, may have the NRA staff member enter the office, factory, or place of activity of a person who designs or constructs nuclear facilities or manufactures equipment of nuclear facilities or of other relevant persons, inspect books, documents and any other necessary articles, or question relevant persons, to the extent necessary for enforcing the provisions of Article 3, paragraph (1), Article 6, paragraph (1), Article 13, paragraph (1), Article 16, paragraph (1), Article 16-2, paragraph (1) and (2), Article 23, paragraph (1), Article 23-2, paragraph (1), Article 26, paragraph (1), Article 26-2, paragraph (1), Article 27, paragraph (1) and (2), Article 43-3-5, paragraph (1), Article 43-3-8, paragraph (1) and (4), Article 43-3-9, paragraph (1) and (2), Article 43-3-10, paragraph (1), Article 43-3-30, paragraph (1) and (3), Article 43-3-31, paragraph (1), Article 43-3-32, paragraph (2), Article 43-4, paragraph (1), Article 43-7, paragraph (1), Article 43-8, paragraph (1) and (2), Article 43-26-2, paragraph (1) and (3), Article 43-26-3, paragraph (1), Article 44, paragraph (1), Article 44-4, paragraph (1), Article 45, paragraph (1) and (2), Article 51-2, paragraph (1), Article 51-5, paragraph (1), Article 51-7, paragraph (1) and (2), Article 52, paragraph (1), Article 55, paragraph (1), Article 59, paragraph (3) and Article 61-2-2, paragraph (1).

(3) The NRA, in addition to the on-site inspection pursuant to the provisions of paragraph (1), to the extent necessary for enforcing the provisions of Article 62, paragraph (1), may have the NRA staff member enter a vessel, inspect books, documents and any other necessary articles, and question relevant persons, or request the submission of nuclear source material, nuclear fuel material, or any other necessary samples, limited to the minimum amount necessary for tests.

- (4) The NRA, in addition to the on-site inspection pursuant to the provisions of paragraph (1), to the extent necessary for providing an explanation to the International Atomic Energy Agency as specified by the Additional Protocol or for ensuring the implementation of an on-site inspection pursuant to the provisions of paragraph (8), may have the NRA staff member enter the office or factory, place of activity of an international controlled material user, etc., or any other places, inspect books, documents and any other necessary articles, and question relevant persons, or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for tests.
- (5) When the NRA staff member makes an entry pursuant to the provisions of the preceding paragraphs, the staff member must carry an identification card and present it when requested by relevant persons.
- (6) The authority under the provisions of paragraphs (1) through (4) must not be construed as being granted for the purpose of criminal investigation.
- (7) A person designated by the International Atomic Energy Agency or a person designated by the government of the State supplying international controlled material, under the attendance of the NRA staff member designated by the NRA or a safeguards inspector who conducts safeguards inspections pursuant to the provisions of Article 61-23-7, paragraph (2), within the scope specified in international agreements, may enter the office, factory or place of activity of an international controlled material user, a person prescribed in the relevant items in the case that the person falls under the items of Article 61-3, paragraph (1), or a person prescribed in paragraph (5), paragraph (6), paragraph (8), or paragraph (9) of the same Article, inspect books, documents and any other necessary articles, and question relevant persons, or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for tests.
- (8) A person designated by the International Atomic Energy Agency may, in addition to the on-site inspection pursuant to the provisions of the preceding paragraph, under the attendance of the NRA staff member designated by the NRA (in the cases specified by Cabinet Order, the NRA staff member designated by the NRA and an official designated by the Minister for Foreign Affairs; the same applies in paragraph (13)), enter the office, factory, place of activity of an international controlled material user, etc., or any other place designated by the International Atomic Energy Agency and inspect books, documents and any other necessary articles, or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for tests, within the scope specified by the Additional Protocol.
- (9) The provisions of paragraph (5) apply *mutatis mutandis* to cases in which an

official designated by the Minister for Foreign Affairs is to attend the inspection pursuant to the provisions of the preceding paragraph.

- (10) The NRA, to the extent necessary for implementing safeguards based on the safeguards agreement, and pursuant to the provisions of the rules of the NRA, may have the NRA staff member affix seals or install devices necessary for monitoring the transfer of international controlled material in the premises of the factory or place of activity of a person using international controlled material.
- (11) The NRA, in addition to affixing seals or installing devices pursuant to the provisions of the preceding paragraph, to the extent necessary for implementing safeguards based on the Additional Protocol, may have the NRA staff member affix seals or install devices necessary for monitoring the transfer of international controlled material and any other substances in the premises of the factory, place of activity of a person using international controlled material or any other place.
- (12) A person designated by the International Atomic Energy Agency, under the attendance of the NRA staff member designated by the NRA or a safeguards inspector who conducts safeguards inspections pursuant to the provisions of Article 61-23-7, paragraph (2), and to the scope specified by the safeguards agreement, may affix seals or install devices necessary for monitoring the transfer of international controlled material in the premises of the factory or place of activity of a person using international controlled material.
- (13) A person designated by the International Atomic Energy Agency, in addition to affixing seals or installing devices pursuant to the provisions of the preceding paragraph, under the attendance of the NRA staff member designated by the NRA, may affix seals or install devices necessary for monitoring the transfer of international controlled material and other substances in the premises of the factory, place of activity of a person using international controlled material or any other place, within the scope specified by the Additional Protocol.
- (14) It is prohibited for any person to remove or damage a seal or device affixed or installed pursuant to the provisions of paragraphs (10) through the preceding paragraph, without legitimate grounds.

(Duty of Confidentiality)

Article 68-2 (1) A nuclear operator, etc. (including a person entrusted with the transport from a nuclear operator, etc. and storage contractor; the same applies in the following paragraph), their employee, and a person who was previously a nuclear operator, etc. or their employee must not, without legitimate grounds, divulge any secret learned in the course of conducting activities with respect to the physical security of specified nuclear fuel

material.

- (2) A person who has been entrusted with work related to the physical security of specified nuclear fuel material from the State or a nuclear operator, etc., and their employee, a person who had been previously entrusted with the work and a previous employee of that person must not, without legitimate grounds, divulge any secret learned with respect to the physical security of specified nuclear fuel material related to the entrusted work.
- (3) An employee of a national administrative organ or a local government, or a person who used to be such an employee who was able to learn a secret related to the physical security of specified nuclear fuel material in the course of duties must not, without legitimate grounds, divulge the secret.

(Special Provisions for Hearings)

- Article 69 (1) When the NRA seeks to issue an order to suspend the activity, suspend the operation of research and test reactors or power reactors, suspend the use of nuclear fuel material or international controlled material, or suspend all or part of information processing work pursuant to the provisions of Article 10, paragraph (2), Article 20, paragraph (2), Article 33, paragraph (2), Article 43-3-20, paragraph (2), Article 43-16, paragraph (2), Article 46-7, paragraph (2), Article 51-14, paragraph (2), Article 56, Article 61-6, or Article 61-21, the NRA must hold a hearing, notwithstanding the category of procedures for the statement of opinions pursuant to the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (2) The proceedings on the date of the hearing pertaining to the disposition pursuant to the provisions of Article 10, Article 12-5 (including as applied mutatis mutandis pursuant to Article 22-7, paragraph (2), Article 43-2-2, paragraph (2), Article 43-3-28, paragraph (2), Article 43-26, paragraph (2), Article 50-4, paragraph (2), Article 51-24, paragraph (2), and Article 57-3, paragraph (2)), Article 20, Article 22-3, paragraph (3), Article 33, Article 41, paragraph (3), Article 43-3-20, Article 43-16, Article 46-7, Article 51-14, Article 56, Article 61-6, Article 61-21, or Article 61-23-16 must be opened to the public.
  - (3) If an interested party to the disposition in question requests to participate in the the hearing proceedings pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act, the presiding official for the hearing set forth in the preceding paragraph must grant the permission for the participation.

(Request for Administrative Review)

Article 70 A person, who is dissatisfied with the disposition related to the safeguard inspections conducted by a designated organization implementing safeguards inspections, may request an administrative review to the NRA. In



this case, the NRA is deemed to be the higher administrative authority of the designated organization implementing safeguards inspections for the purpose of applying the provisions of Article 25, paragraph (2) and (3), Article 46, paragraph (1), and Article 47 of the Administrative Complaint Review Act.

(Opinion Regarding Permission)

Article 71 (1) When the NRA grants the permission pursuant to the provisions of Article 23, paragraph (1), Article 23-2, paragraph (1), Article 26, paragraph (1), Article 26-2, paragraph (1), Article 39, paragraph (1) or (2), Article 43-3-35, paragraph (1), Article 43-3-8, paragraph (1), or Article 43-3-25, paragraph (1), or grants the approval pursuant to the provision of Article 31, paragraph (1) or Article 43-3-18 (hereinafter referred to as "when granting the permission, etc." in this paragraph), the NRA must, in accordance with the category of cases listed in the following items, hear the opinion of the Minister prescribed in each item in advance:

- (i) when granting the permission, etc. pertaining to power reactors: the Minister of Economy, Trade and Industry; (when granting the permission pertaining to research and test reactors, the Minister of Education, Culture, Sports, Science and Technology and the Minister of Economy, Trade and Industry) ;
  - (ii) when granting the permission, etc. pertaining to reactors installed on a vessel: the Minister of Land, Infrastructure, Transport and Tourism; (when granting the permission pertaining to research and test reactors, the Minister of Education, Culture, Sports, Science and Technology and the Minister of Land, Infrastructure, Transport and Tourism);
  - (iii) when granting the permission, etc. pertaining to research and test reactors (excluding those prescribed in the preceding two items): the Minister of Education, Culture, Sports, Science and Technology.
- (2) When the NRA grants the designation pursuant to the provision of Article 3, paragraph (1) or Article 44, paragraph (1), grants the permission pursuant to the provisions of Article 6, paragraph (1), Article 13, paragraph (1), Article 16, paragraph (1), Article 43-4, paragraph (1), Article 43-7, paragraph (1), Article 44-4, paragraph (1), Article 51-2, paragraph (1), Article 51-5, paragraph, (1), or Article 51-19, paragraph (1), or grants the approval pursuant to the provisions of Article 8, paragraph (1), Article 18, paragraph (1), Article 43-14, paragraph (1), Article 46-5, paragraph (1), or Article 51-12, paragraph (1), the NRA must hear the opinion of the Minister of Economy, Trade and Industry in advance.
- (3) The Minister of Education, Culture, Sports, Science and Technology, the Minister of Economy, Trade and Industry or the Minister of Land, Infrastructure, Transport and Tourism, when the Minister finds it particularly necessary to conduct an investigation relating to the particulars for which the

Minister was requested to state an opinion as set forth in the preceding two paragraphs, may request the relevant licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, operator of a foreign nuclear vessel, licensee of power reactor operations, licensee of spent fuel storage activity, licensee of reprocessing activity, or licensee of radioactive waste disposal or storage activity (including an applicant for the designation set forth in Article 3, paragraph (1) or Article 44, paragraph (1) or the permission set forth in Article 13, paragraph (1), Article 23, paragraph (1), Article 23-2, paragraph (1), Article 39, paragraph (1) or (2), Article 43-3-5, paragraph (1), Article 43-3-25, paragraph (1), Article 43-4, paragraph (1), or Article 51-2, paragraph (1)) to make necessary reports, or have their official enter the office, factory or place or activity of the relevant licensee of refining, licensee of fabrication or enrichment activity, licensee of research and test reactor operations, operator of a foreign nuclear vessel, licensee of power reactor operations, licensee of spent fuel storage activity, licensee of reprocessing activity, or licensee of radioactive waste disposal or storage activity, inspect books, documents and any other necessary articles, and question the relevant persons.

(4) The provisions of Article 68, paragraph (5) and (6) apply *mutatis mutandis* to on-site inspections pursuant to the provisions of the preceding paragraph.

(5) When the NRA makes a disposition pursuant to the provisions of Article 33, Article 36, paragraph (1), Article 43-3-8, paragraph (6), Article 43-3-20, Article 43-3-23, paragraph (1), or Article 64, paragraph (3) (limited to an order for suspending the use of research and test reactor facilities in the case of a disposition pursuant to the provisions of Article 36, paragraph (1), an order suspending the use of power reactor facilities in the case of a disposition pursuant to the provisions of Article 43-3-23, paragraph (1), and an order suspending the use of research and test reactor facilities or power reactor facilities in the case of a disposition pursuant to the provisions of Article 64, paragraph (3)), the NRA must notify the Minister prescribed in each item of paragraph (1) in accordance with the category of cases listed in the items in advance.

(6) Beyond what is provided for in this Act, notifications to the NRA, the Minister of Economy, Trade and Industry or the Minister of Land, Infrastructure, Transport and Tourism and any other procedures in the case that the NRA or the Minister of Land, Infrastructure, Transport and Tourism has made a disposition, accepted a notification or taken any other acts (limited to those specified by Cabinet Order) pursuant to the provisions of this Act are specified by Cabinet Order.

(Relationship with the National Public Safety Commission)

- Article 72 (1) When the NRA grants the approval set forth in Article 12-2, paragraph (1), Article 22-6, paragraph (1), Article 43-2, paragraph (1), Article 43-3-27, paragraph (1), Article 43-25, paragraph (1), Article 50-3, paragraph (1), Article 51-23, paragraph (1), Article 57-2, paragraph (1), or Article 64-3, paragraph (1) or (2) (limited to necessary measures for the physical security of specified nuclear fuel materials among these provisions), the NRA must hear the opinion of the National Public Safety Commission or the Commandant of the Japan Coast Guard in advance, pursuant to the provisions of Cabinet Order.
- (2) When the National Public Safety Commission or the Commandant of the Japan Coast Guard finds it particularly necessary for maintaining public safety or for maintaining maritime safety, the Commission or the Commandant may, pursuant to the provisions of Cabinet Order, state their opinion to the NRA for the implementation of the provisions of Article 11-2, paragraph (1), Article 12-2, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 22-6, paragraph (2), Article 43-2, paragraph (2), Article 43-3-27, paragraph (2), Article 43-25, paragraph (2), Article 50-3, paragraph (2), Article 51-23, paragraph (2), and Article 57-2, paragraph (2)), Article 12-3, paragraph (1), Article 21-2, paragraph (2), Article 22-7, paragraph (1), Article 35, paragraph (2), Article 43-2-2, paragraph (1), Article 43-3-22, paragraph (2), Article 43-3-28, paragraph (1), Article 43-18, paragraph (2), Article 43-26, paragraph (1), Article 48, paragraph (2), Article 50-4, paragraph (1), Article 51-16, paragraph (4), Article 51-24, paragraph (1), Article 56-3, paragraph (2), Article 57-3, paragraph (1), Article 60, paragraph (1), (limited to the part related to the necessary measures for the physical security of specified nuclear fuel materials), Article 61-2-2, paragraph (1) (limited to the part related to item (iii), (b) or item (iv), (a) or (c) of the same paragraph (limited to the necessary measures for the physical security of specified nuclear fuel materials)) or Article 61-3, paragraph (5) (limited to the part related to the necessary measures for the physical security of specified nuclear fuel materials).
- (3) The National Public Safety Commission or the Commandant of the Japan Coast Guard, to the extent necessary for implementing the provisions of the preceding two paragraphs, may have an official (an official of the National Police Agency in the case of the National Public Safety Commission) enter the office, factory or place of activity of a nuclear operator, etc. and inspect books, documents, and any other necessary articles, or question relevant persons.
- (4) The provisions of Article 68, paragraph (5) and (6) apply *mutatis mutandis* to on-site inspections pursuant to the provisions of the preceding paragraph.
- (5) When the NRA has granted the designation set forth in Article 3, paragraph (1), Article 44, paragraph (1) or Article 64-2, paragraph (1), granted the

permission set forth in Article 6, paragraph (1), Article 13, paragraph (1), Article 16, paragraph (1), Article 23, paragraph (1), Article 23-2, paragraph (1), Article 26, paragraph (1), Article 26-2, paragraph (1), Article 39, paragraph (1) or (2), Article 43-3-5, paragraph (1), Article 43-3-8, paragraph (1), Article 43-3-25, paragraph (1), Article 43-4, paragraph (1), Article 43-7, paragraph (1), Article 44-4, paragraph (1), Article 51-2, paragraph (1), Article 51-5, paragraph (1), Article 51-19, paragraph (1), Article 52, paragraph (1), or Article 55, paragraph (1), rescinded the designation pursuant to the provisions of Article 10, Article 46-7, or Article 64-2, paragraph (3), rescinded the permission pursuant to the provisions of Article 20, Article 33, Article 43-3-20, Article 43-16, Article 51-14 or Article 56, granted the approval set forth in Article 12-2, paragraph (1), Article 22-6, paragraph (1), Article 43-2, paragraph (1), Article 43-3-27, paragraph (1), Article 43-25, paragraph (1), Article 50-3, paragraph (1), Article 51-23, paragraph (1), Article 57-2, paragraph (1), or Article 64-3, paragraph (1) or (2), made the confirmation set forth in Article 12-6, paragraph (8) (including as applied mutatis mutandis pursuant to Article 22-8, paragraph (3), Article 43-3-2, paragraph (3), Article 43-3-34, paragraph (3), Article 43-27, paragraph (3), Article 50-5, paragraph (3), Article 51-25, paragraph (3), and Article 57-5, paragraph (3)) or Article 12-7, paragraph (9) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 43-28, paragraph (4), Article 51, paragraph (4), Article 51-26, paragraph (4), and Article 57-6, paragraph (4)), or accepted a notification pursuant to the provisions of Article 12-3, paragraph (2) (including as applied mutatis mutandis pursuant to Article 22-7, paragraph (2), Article 43-2-2, paragraph (2), Article 43-3-28, paragraph (2), Article 43-26, paragraph (2), Article 50-4, paragraph (2), Article 51-24, paragraph (2), and Article 57-3, paragraph (2)) or Article 57-7, paragraph (1) or (3), or carried out the nuclear regulatory inspection (limited to the part related to Article 61-2-2, paragraph (1) item (iii), (b), or item (iv) (a) or (c) (limited to the part related to necessary measures for the physical security of specified nuclear fuel material)) or the inspection under Article 64-3, paragraph (7) (limited to the part related to the measures for the physical security of specified nuclear fuel material), the NRA must, without delay, communicate this to the National Public Safety Commission or the Commandant of the Japan Coast Guard as specified by Cabinet Order.

Article 72-2 The National Public Safety Commission, the NRA and the Minister of Land, Infrastructure, Transport and Tourism are to cooperate together with respect to the regulation on the physical security of specified nuclear fuel material based on this Act.

(Relationship with the Minister of the Environment)

- Article 72-2-2 (1) When the Minister of the Environment finds it particularly necessary for ensuring the proper disposal of waste (meaning the waste defined in Article 2, paragraph (1) of the Waste Management and Public Cleansing Act; the same applies in paragraph (3)), the Minister may state an opinion related to the implementation of the provisions of Article 61-2, paragraph (1) or (2) to the NRA.
- (2) When the NRA has made the confirmation set forth in Article 61-2, paragraph (1) or granted the approval set forth in paragraph (2) of that Article, it must, without delay, notify the Minister of the Environment of the fact.
- (3) The NRA may request necessary cooperation from the Minister of the Environment regarding the disposal of waste when material for which the confirmation set forth in Article 61-2, paragraph (1) has been obtained has become waste.

Article 73 Deleted

(Transitional Measures)

- Article 74 (1) When an order is enacted, amended, or repealed based on the provisions of this Act, the required transitional measures (including transitional measures related to penal provisions; the same applies in the following paragraph) may be specified, within the scope determined as being reasonably necessary for the enactment, amendment, or repeal of the order.
- (2) Beyond what is provided for in the preceding paragraph, in the case that the scope of international controlled material is changed in accordance with the procedures specified in international agreements, or in the case that the activities listed in Annex I of the Additional Protocol are changed in accordance with the procedures specified in the Additional Protocol, the required transitional measures may be specified by Cabinet Order, within the scope determined as being reasonably necessary for the changes.

(Payment of Fees)

- Article 75 (1) A person who falls under any of the following items must pay a fee for the amount specified by Cabinet Order in consideration of the actual costs.
- (i) a person who seeks to obtain the designation set forth in Article 3, paragraph (1) or Article 44, paragraph (1);
- (ii) a person who seeks to obtain the permission set forth in Article 6, paragraph (1), Article 13, paragraph (1), Article 16, paragraph (1), Article 23, paragraph (1), Article 23-2, paragraph (1), Article 26, paragraph (1), Article 26-2, paragraph (1), Article 39, paragraph (1) or (2), Article 43-3-5, paragraph (1), Article 43-3-8, paragraph (1), Article 43-3-25, paragraph (1),

- Article 43-4, paragraph (1), Article 43-7, paragraph (1), Article 44-4, paragraph (1), Article 51-2, paragraph (1), Article 51-5, paragraph (1), Article 51-19, paragraph (1), Article 52, paragraph (1), Article 55, paragraph (1) or Article 61-3, paragraph (1);
- (iii) a person who seeks to obtain the approval set forth in Article 12-6, paragraph (2) or (3) (including as applied mutatis mutandis to Article 22-8, paragraph (3), Article 43-3-2, paragraph (3), Article 43-3-34, paragraph (3), Article 43-27, paragraph (3), Article 50-5, paragraph (3), Article 51-24-2, paragraph (3), Article 51-25, paragraph (3) and Article 57-5, paragraph (3)), Article 12-7, paragraph (2) or (4) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 43-28, paragraph (4), Article 51, paragraph (4), Article 51-26, paragraph (4) and Article 57-6, paragraph (4)), Article 16-2, paragraph (1) or (2), Article 22-8, paragraph (2), Article 22-9, paragraph (2), Article 27, paragraph (1) or (2), Article 43-3-2, paragraph (2), Article 43-3-3, paragraph (2), Article 43-3-9, paragraph (1) or (2), Article 43-3-32, paragraph (4), Article 43-3-34, paragraph (2), Article 43-3-35, paragraph (2), Article 43-8, paragraph (1) or (2), Article 43-27, paragraph (2), Article 43-28, paragraph (2), Article 45, paragraph (1) or (2), Article 50-5, paragraph (2), Article 51, paragraph (2), Article 51-7, paragraph (1) or (2), Article 51-24-2, paragraph (1), Article 51-25, paragraph (2), Article 51-26, paragraph (2), Article 57-5, paragraph (2), Article 57-6, paragraph (2) or Article 61-2, paragraph (2);
- (iv) a person who seeks to obtain the confirmation set forth in Article 12-6, paragraph (8) (including as applied mutatis mutandis pursuant to Article 22-8, paragraph (3), Article 43-3-2, paragraph (3), Article 43-3-34, paragraph (3), Article 43-27, paragraph (3), Article 50-5, paragraph (3), Article 51-25, paragraph (3) and Article 57-5, paragraph (3)), Article 12-7, paragraph (9) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 43-28, paragraph (4), Article 51, paragraph (4), Article 51-26, paragraph (4) and Article 57-6, paragraph (4)), Article 16-3, paragraph (3), Article 28, paragraph (3), Article 43-3-11, paragraph (3), Article 43-9, paragraph (3), Article 46, paragraph (3), Article 51-6, Article 51-8, paragraph (3), Article 51-24-2, paragraph (2), Article 55-2, paragraph (3), Article 58, paragraph (2), Article 59, paragraph (2) or Article 61-2, paragraph (1), or the approval set forth in Article 59, paragraph (3);
- (v) a person who seeks to obtain the type certificate set forth in Article 43-3-30, paragraph (1) or Article 43-26-2, paragraph (1), or the designation set forth in Article 43-3-31, paragraph (1) or Article 43-26-3, paragraph (1);
- (vi) a person who seeks to undergo the examination for chief engineer of nuclear fuel set forth in Article 22-3, paragraph (1), item (i), or a person who

- seeks to undergo the examination for chief engineer of reactors set forth in Article 41, paragraph (1), item (i);
- (vii) a person who seeks to have the license for chief engineer of nuclear fuel or license for chief engineer of reactors reissued; or
  - (viii) a person who seeks to undergo the nuclear regulatory inspection.
- (2) The fees set forth in the preceding paragraph are the revenue for the national treasury.
- (3) The provisions of paragraph (1) do not apply to an incorporated administrative agency prescribed in Article 2, paragraph (1) of the Act of General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) that is specified by Cabinet Order in consideration of the content of the activities of the incorporated administrative agency and other circumstances.

(Application to the State)

Article 76 The provisions of this Act, excluding the provisions of the preceding Article and the following Chapter, apply to the State. In this case, the terms "designation" and "permission" are deemed to be replaced with "approval."

#### **Chapter XIV Penal Provisions**

- Article 77 A person who falls under any of the following items is punished by imprisonment for not more than three years, a fine of not more than three million yen, or both:
- (i) a person who has carried out refining activities without obtaining the designation set forth in Article 3, paragraph (1);
  - (ii) a person who has violated an order for suspension of activities under the provisions of Article 10, paragraph (2), Article 20, paragraph (2), Article 43-16, paragraph (2), Article 46-7, paragraph (2), or Article 51-14, paragraph (2);
  - (iii) a person who has carried out fabrication or enrichment activities without obtaining the permission set forth in Article 13, paragraph (1);
  - (iv) a person who has installed a research and test reactor without obtaining the permission set forth in Article 23, paragraph (1);
  - (iv)-2 a person who has maintained the particulars set forth in Article 23-2, paragraph (1) without obtaining the permission set forth in that paragraph;
  - (v) a person who has violated an order for suspension of the operation of research and test reactors under the provisions of Article 33, paragraph (2);
  - (vi) a person who has acquired research and test reactors or entire facilities that include research and test reactors (including nuclear vessels) without obtaining the permission set forth in Article 39, paragraph (1) or a person who has acquired a reactor vessel without obtaining the permission set forth

- in paragraph (2) of that Article;
- (vi)-2 a person who has installed a power reactor without obtaining the permission set forth in Article 43-3-5, paragraph (1);
- (vi)-3 a person who has violated an order for suspension of the operation of power reactors under the provisions of Article 43-3-20, paragraph (2);
- (vi)-4 a person who has received a power reactor or entire facilities that include a power reactor without obtaining the permission set forth in Article 43-3-25, paragraph (1);
- (vi)-5 a person who has carried out activities of storage of spent fuel without obtaining the permission set forth in Article 43-4, paragraph (1);
- (vii) a person who has carried out reprocessing activities without obtaining the designation set forth in Article 44, paragraph (1);
- (vii)-2 a person who has carried out waste burial or waste storage activities without obtaining the permission set forth in Article 51-2, paragraph (1);
- (vii)-3 a person who has acquired a waste burial site or entire facilities that include a waste burial site without obtaining the permission set forth in Article 51-19, paragraph (1);
- (viii) a person who has used nuclear fuel materials without obtaining the permission set forth in Article 52, paragraph (1); or
- (ix) a person who has violated an order for suspension of the use of nuclear fuel material under the provisions of Article 56.

Article 78 A person who falls under any of the following items is punished by imprisonment with work for not more than one year, a fine of not more than one million yen, or both:

- (i) a person who, with regard to a particular for which permission is required to be obtained pursuant to the provisions of Article 6, paragraph (1), has, without obtaining the permission set forth in that paragraph, changed a particular listed in Article 3, paragraph (2), item (ii), item (iii), or item (v);
- (ii) a person who has violated an order under the provisions of Article 11-2, paragraph (2), Article 21-3, paragraph (2), Article 36, paragraph (2), Article 43-3-23, paragraph (2), Article 43-19, paragraph (2), Article 49, paragraph (2), Article 51-17, paragraph (2), Article 56-4, paragraph (2), Article 59, paragraph (4) (limited to the part related to the necessary measures for the physical security of specified nuclear fuel materials) or Article 60, paragraph (2) (limited to the part related to the necessary measures for the physical security of specified nuclear fuel materials);
- (iii) a person who has violated the provisions of Article 12, paragraph (1), Article 22, paragraph (1), Article 37, paragraph (1), Article 43-3-24, paragraph (1), Article 43-20, paragraph (1), Article 50, paragraph (1), Article 51-18, paragraph (1), or Article 57, paragraph (1);



- (iv) a person who has violated an order under the provisions of Article 12, paragraph (3), Article 22, paragraph (3), Article 37, paragraph (3), Article 43-3-24, paragraph (3), Article 43-20, paragraph (3), Article 50, paragraph (3), Article 51-18, paragraph (3), or Article 57, paragraph (3);
- (iv)-2 a person who has violated the provisions of Article 12-2, paragraph (1), Article 22-6, paragraph (1), Article 43-2, paragraph (1), Article 43-3-27, paragraph (1), Article 43-25, paragraph (1), Article 50-3, paragraph (1), Article 51-23, paragraph (1), or Article 57-2, paragraph (1);
- (iv)-3 a person who has violated an order under the provisions of Article 12-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 22-6, paragraph (2), Article 43-2, paragraph (2), Article 43-3-27, paragraph (2), Article 43-25, paragraph (2), Article 50-3, paragraph (2), Article 51-23, paragraph (2), and Article 57-2, paragraph (2));
- (v) a person who has violated the provisions of Article 12-3, paragraph (1), Article 22-7, paragraph (1), Article 43-2-2, paragraph (1), Article 43-3-28, paragraph (1), Article 43-26, paragraph (1), Article 50-4, paragraph (1), Article 51-24, paragraph (1), or Article 57-3, paragraph (1);
- (v)-2 a person who has discontinued the refining activities in violation of the provisions of Article 12-6, paragraph (1);
- (v)-3 a person who has taken decommissioning measures in violation of the provisions of Article 12-6, paragraph (2), Article 22-8, paragraph (2), Article 43-3-2, paragraph (2), Article 43-3-34, paragraph (2), Article 43-27, paragraph (2), Article 50-5, paragraph (2), Article 51-25, paragraph (2), or Article 57-5, paragraph (2);
- (v)-4 a person who has violated an order under the provisions of Article 12-6, paragraph (7) (including as applied mutatis mutandis pursuant to Article 22-8, paragraph (3), Article 43-3-2, paragraph (3), Article 43-3-34, paragraph (3), Article 43-27, paragraph (3), Article 50-5, paragraph (3), Article 51-24-2, paragraph (3), Article 51-25, paragraph (3), and Article 57-5, paragraph (3));
- (v)-5 a person who has violated the provisions of Article 12-7, paragraph (2), Article 22-9, paragraph (2), Article 43-3-3, paragraph (2), Article 43-3-35, paragraph (2), Article 43-28, paragraph (2), Article 51, paragraph (2), Article 51-26, paragraph (2), or Article 57-6, paragraph (2);
- (v)-6 a person who has violated the provisions of Article 12-7, paragraph (3), Article 22-9, paragraph (3), Article 43-3-3, paragraph (3), Article 43-3-35, paragraph (3), Article 43-28, paragraph (3), Article 51, paragraph (3), Article 51-26, paragraph (3), or Article 57-6, paragraph (3);
- (v)-7 a person who has violated an order under the provisions of Article 12-7, paragraph (8) (including as applied mutatis mutandis pursuant to Article 22-9, paragraph (5), Article 43-3-3, paragraph (4), Article 43-3-35, paragraph (4), Article 43-28, paragraph (4), Article 51, paragraph (4), Article 51-26,

- paragraph (4), and Article 57-6, paragraph (4));
- (vi) a person who, with regard to a particular for which permission is required to be obtained pursuant to the provisions of Article 16, paragraph (1), has, without obtaining the permission set forth in that paragraph, changed a particular listed in Article 13, paragraph (2), item (ii), item (iii), or items (v) through (vii);
  - (vi)-2 a person who has not recorded particulars or has made false records, or has not preserved records, in violation of the provisions of Article 16-3, paragraph (1), Article 28, paragraph (1), Article 43-3-11, paragraph (1), Article 43-9, paragraph (1), Article 46, paragraph (1), Article 51-8, paragraph (1), or Article 55-2, paragraph (1);
  - (vii) a person who has used fuel fabrication facilities in violation of the provisions of Article 16-3, paragraph (3);
  - (viii) a person who has not recorded particulars or has made false records or has not preserved records, or has not made a report or has made a false report in violation of the provisions of Article 16-5, paragraph (1) or (3), Article 29, paragraph (1) or (3), Article 43-3-16, paragraph (1), (3) or (4), Article 43-11, paragraph (1) or (3), Article 46-2-2, paragraph (1) or (3), or Article 51-10, paragraph (1) or (3);
  - (viii)-2 a person who has violated an order under the provisions of Article 21-3, paragraph (1), Article 36, paragraph (1), Article 43-3-23, paragraph (1), Article 43-19, paragraph (1), Article 49, paragraph (1), Article 51-17, paragraph (1), Article 56-4, paragraph (1), Article 58, paragraph (3), or Article 59, paragraph (4) (excluding the part related to the necessary measures for the physical security of specified nuclear fuel materials) or Article 60, paragraph (2) (excluding the part related to the necessary measures for the physical security of specified nuclear fuel materials);
  - (ix) a person who has violated the provisions of Article 22-2, paragraph (1);
  - (ix)-2 a person who has discontinued the fabrication or enrichment activities in violation of the provisions of Article 22-8, paragraph (1);
  - (x) a person who, with regard to a particular for which permission is required to be obtained pursuant to the provisions of Article 26, paragraph (1), has, without obtaining the permission set forth in that paragraph, changed a particular listed in Article 23, paragraph (2), items (ii) through (v), item (viii), or item (ix);
  - (xi) a person who has changed or maintained the particulars set forth in Article 26-2, paragraph (1) without obtaining the permission set forth in that paragraph;
  - (xii) a person who has used research and test reactor facilities in violation of the provisions of Article 28, paragraph (3);
  - (xiii) a person who has violated the provisions of Article 40, paragraph (1);

- (xiii)-2 a person who has decommissioned a research and test reactor in violation of the provisions of Article 43-3-2, paragraph (1);
- (xiii)-3 a person who, with regard to a particular for which permission is required to be obtained pursuant to the provisions of Article 43-3-8 , paragraph (1), has, without obtaining the permission set forth in that paragraph, changed a particular listed in Article 43-3-5, paragraph (2), items (ii) through (v), or items (viii) through (xi);
- (xiii)-4 a person who has used power reactor facilities in violation of the provisions of Article 43-3-11, paragraph (3);
- (xiii)-5 a person who has violated the provisions of Article 43-3-26, paragraph (1);
- (xiii)-6 a person who has decommissioned a power reactor in violation of the provisions of Article 43-3-34, paragraph (1);
- (xiv) a person who, with regard to a particular for which permission is required to be obtained pursuant to the provisions of Article 43-7, paragraph (1), has, without obtaining the permission set forth in that paragraph, changed a particular listed in Article 43-4, paragraph (2), items (ii) through (iv), item (vi), or item (vii);
- (xv) a person who has used spent fuel storage facilities in violation of the provisions of Article 43-9, paragraph (3);
- (xvi) a person who has violated the provisions of Article 43-22, paragraph (1);
- (xvi)-2 a person who has discontinued the activities of storage of spent fuel in violation of the provisions of Article 43-27, paragraph (1);
- (xvii) a person who, with regard to a particular for which permission is required to be obtained pursuant to the provisions of Article 44-4, paragraph (1), has, without obtaining the permission set forth in that paragraph, changed a particular listed in Article 44, paragraph (2), items (ii) through (iv), or items (vi) through (iv);
- (xviii) a person who has used reprocessing facilities in violation of the provisions of Article 46, paragraph (3);
- (xix) a person who has violated the provisions of Article 50-2, paragraph (1),
- (xix)-2 a person who has discontinued the reprocessing activities in violation of the provisions of Article 50-5, paragraph (1);
- (xx) a person who, with regard to a particular for which permission is required to be obtained pursuant to the provisions of Article 51-5, paragraph (1), has, without obtaining the permission set forth in that paragraph, changed a particular listed in Article 51-2, paragraph (3), items (ii) through (v), or item (vii);
- (xxi) a person who has used specified Category 1 waste burial facilities or specified waste storage facilities in violation of the provisions of Article 51-8, paragraph (3);

- (xxii) a person who has violated the provisions of Article 51-20, paragraph (1);
- (xxii)-2 a person who has taken closure measures in violation of the provisions of Article 51-24-2, paragraph (1);
- (xxii)-3 a person who has discontinued the waste disposal activities in violation of the provisions of Article 51-25, paragraph (1);
- (xxii)-4 a person who has excavated land without obtaining the permission set forth in Article 51-29, paragraph (1);
- (xxii)-5 a person who has violated an order under the provisions of Article 51-30;
- (xxiii) a person who has changed a particular listed in Article 52, paragraph (2), items (ii) through (iv), or items (vi) through (x), without obtaining the permission set forth in Article 55, paragraph (1);
- (xxiv) a person who has used nuclear fuel material usage facilities, etc., in violation of the provisions of Article 55-2, paragraph (3);
- (xxiv)-2 a person who has discontinued all use of nuclear fuel materials in violation of the provisions of Article 57-5, paragraph (1);
- (xxv) a person who has violated the provisions of Article 61;
- (xxv)-2 a person who has refused, obstructed or evaded the entry, inspection or submission of samples, or has not given a statement or has given a false statement in response to a question, under the provisions of Article 61-2-2, paragraph (3);
- (xxvi) a person who has violated the provisions of Article 62, paragraph (1) (excluding the persons prescribed in Article 78-5);
- (xxvi)-2 a person who has not made the report set forth in Article 62-3 (excluding the part related to nuclear source material users) or has made a false report;
- (xxvii) a person who has violated the provision of Article 64, paragraph (1) or an order under the provisions of paragraph (3) of that Article;
- (xxvii)-2 a person who has not submitted an implementation plan in violation of the provisions of Article 64-3, paragraph (1);
- (xxvii)-3 a person who has violated an order under the provisions of Article 64-3, paragraph (4);
- (xxvii)-4 a person who has violated an order under the provisions of Article 64-3, paragraph (6);
- (xxviii) a person who has violated the provisions of Article 66, paragraph (2);
- (xxix) a person who has not made the report set forth in Article 67, paragraph (1) (excluding the part related to nuclear source material users, persons using international controlled material, and international specified activities implementers) or has made a false report;
- (xxx) a person who has refused, obstructed, or evaded the entry, inspection or submission of samples under the provisions of Article 68, paragraph (1)

(excluding the part related to nuclear source material users, international controlled material users, persons who fall under any of the items of Article 61-3 , paragraph (1) in the case that the person falls under one of the items, persons prescribed in paragraphs (5), (6), (8) and (9) of the same Article, and international specified activities implementers), or has not given a statement or has given a false statement in response to a question;

(xxxix) a person who has violated the provisions of Article 68-2; or

(xxxix) a person who has refused, obstructed, or evaded the entry or inspection under the provisions of Article 72, paragraph (3), or has not given a statement or has given a false statement in response to a question.

Article 78-2 A person who has violated the provisions of Article 61-18 (including as applied mutatis mutandis pursuant to Article 61-23-20) is punished by imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

Article 78-3 In the case that an order for suspension of information processing work pursuant to the provisions of Article 61-21 or work implemented for safeguards inspections, etc. pursuant to the provisions of Article 61-23-16 has been violated, an officer or employee of the designated information processing organization or designated organization implementing safeguards inspections, etc. that has committed the violation is punished by imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

Article 78-4 A person who has violated the provisions of Article 62-2, paragraph (1) or (2) is punished by imprisonment with work for not more than six months or a fine of not more than five hundred thousand yen.

Article 78-5 A person who has violated the provisions of Article 62, paragraph (1) on a foreign vessel (any vessel other than Japanese vessels as defined in Article 1 of the Ship Act; the same applies hereinafter) situated in waters outside of Japanese territorial waters is punished by a fine of not more than ten million yen.

Article 79 A person who falls under any of the following items is punished by a fine of not more than three million yen:

(i) a person who has not recorded particulars or has made false records, or has not kept records, in violation of the provisions of Article 11, Article 21, Article 34, Article 43-3-21, Article 43-17, Article 47, Article 51-15, or Article 56-2;

(ii) a person who has placed a reactor vessel in a port without making a

- notification pursuant to the provisions of Article 36-2, paragraph (1) or (2), or has violated an order under the provisions of paragraph (4) of that Article;
- (iii) a person who has carried out waste burial without obtaining the confirmation under the provisions of Article 51-6;
  - (iv) a person who has taken closure measures without obtaining the confirmation under the provisions of Article 51-24-2, paragraph (2);
  - (v) a person who has used nuclear source material without making a notification pursuant to the provisions of Article 57-7, paragraph (1), or who has violated an order under the provisions of paragraph (5) of that Article;
  - (vi) a person who has disposed of nuclear fuel material or material contaminated by nuclear fuel material without obtaining the confirmation under the provisions of Article 58, paragraph (2);
  - (vii) a person who has transported nuclear fuel material or material contaminated by nuclear fuel material without obtaining the confirmation under the provisions of Article 59, paragraph (2), or without making a notification under the provisions of paragraph (5) of that Article or by making a false notification;
  - (viii) a person who has violated the provisions of Article 59, paragraph (8);
  - (ix) a person who has used international controlled material without obtaining the permission set forth in Article 61-3, paragraph (1);
  - (x) a person who has violated an order for the suspension of use of international controlled material under the provisions of Article 61-6;
  - (xi) a person who has violated the provisions of Article 61-8, paragraph (1) or an order under the provisions of paragraph (3) of that Article;
  - (xii) a person who has violated an order under the provisions of Article 61-9; or
  - (xiii) a person who has violated the provisions of Article 61-9-3, paragraph (1);

Article 80 A person who falls under any of the following items is punished by a fine of not more than one million yen:

- (i) a person who has not recorded particulars or has made false records, or has not submitted records, in violation of the provisions of Article 51-28, paragraph (1);
- (i)-2 a person who has not made the report set forth in Article 51-31, paragraph (1) or has made a false report;
- (i)-3 a person who has refused, obstructed, or evaded the entry, inspection, submission of samples or investigation under the provisions of Article 51-31, paragraph (1), or has not given a statement or has given a false statement in response to a question;
- (i)-4 a person who has refused or obstructed the entry and other acts under the provisions of Article 51-33, paragraph (1), in violation of the provisions of paragraph (5) of that Article;

- (i)-5 a person who has not made a notification pursuant to the provisions of Article 57-7, paragraph (3) concerning a change in a particular listed in paragraph (2), items (ii) through (iv), or item (vi) of that Article, or has made a false notification;
- (ii) a person who has not made a notification pursuant to the provisions of Article 57-7, paragraph (7) or (8), Article 61-9-2, paragraph (1) or (3), Article 61-9-4, paragraph (1), or paragraphs (3) through (5), or Article 63, or has made a false notification;
- (iii) a person who has not complied with an order to stop given by a police officer pursuant to the provisions of Article 59, paragraph (11), and has refused a request to present documents, refused or obstructed an inspection, or has not complied with an order under the provisions of that paragraph;
- (iv) a person who has used international controlled material without making a notification under the provisions of Article 61-3, paragraph (4) or (7), a person who has stored international controlled material without making a notification pursuant to the provisions of paragraph (5) or (8) of that Article, or a person who has disposed of international controlled material without making a notification pursuant to the provisions of paragraph (6) or (9) of that Article;
- (v) a person who has changed a particular listed in Article 61-3, paragraph (2), items (ii) through (iv), without making a notification under the provisions of Article 61-5, paragraph (1);
- (vi) a person who has not recorded particulars or made false records, or has not kept records, in violation of the provisions of Article 61-7;
- (vii) a person who has refused, obstructed, or evaded the entry, inspection or submission of samples under the provisions of Article 61-8-2, paragraph (2);
- (viii) a person who has violated the provisions of Article 61-8-2, paragraph (5) or Article 68, paragraph (14);
- (ix) a person who has not made the report set forth in Article 62-3 (limited to the part related to nuclear source material users), or has made a false report;
- (x) a person who has not made the report set forth in Article 67 (excluding paragraph (1) (excluding the part related to nuclear source material users, persons using international controlled material, and international specified activities implementers)) or has made a false report;
- (xi) a person who has refused, obstructed, or evade the entry, inspection, or submission of samples pursuant to the provisions of Article 68, paragraph (1) (limited to the part related to nuclear source material users, international controlled material users, persons prescribed in the items of Article 61-3, paragraph (1) in the case that persons fall under the items, persons prescribed in paragraph (5), (6), (8), and (9) of that Article, and international specified activities implementers), paragraphs (2) through (4), or paragraph

- (7), or has not given a statement or has given a false statement in response to a question; or
- (xii) a person who has refused, obstructed, or evaded the entry, inspection, or submission of samples pursuant to the provisions of Article 68, paragraph (8).

Article 80-2 When a violation listed in any of the following items has been committed, an officer or employee of the designated information processing organization that has committed the violation is punished by a fine of not more than five hundred thousand yen:

- (i) when all of the information processing work has been discontinued without obtaining the permission set forth in Article 61-20;
- (ii) when the report set forth in Article 61-23, paragraph (1) has not been made, or a false report has been made; or
- (iii) when the entry or inspection pursuant to the provisions of Article 61-23, paragraph (1) has been refused, obstructed, or evaded, or when a statement has not been made or a false statement has been made in response to a question.

Article 80-3 When a violation listed in any of the following items has been committed, an officer or employee of the designated organization implementing safeguards inspections, etc. that has committed the violation is punished by a fine of not more than five hundred thousand yen:

- (i) when all of the work implemented for safeguards inspections, etc. has been discontinued without obtaining the permission set forth in Article 61-23-15;
- (ii) when books have not been kept, entries in books have not been made, or false entries have been made in books, in violation of the provisions of Article 61-23-17, paragraph (1);
- (iii) when books have not been preserved in violation of the provisions of Article 61-23-17, paragraph (2);
- (iv) when the report set forth in Article 61-23, paragraph (1) as applied mutatis mutandis pursuant to Article 61-23-20 has not been made, or a false report has been made; or
- (v) when the entry or inspection pursuant to the provisions of Article 61-23, paragraph (1) as applied mutatis mutandis pursuant to Article 61-23-20 has been refused, obstructed, or evaded, or when a statement has not been made or a false statement has been made in response to a question;

Article 80-4 The provisions of Article 78, item (xxxi) also apply to a person who has committed the crime set forth in that item outside of Japan.

Article 81 When a representative of a corporation, or an agent or other employee



of a corporation or individual has violated the provisions listed in the following items relating to the activities of the corporation or individual, not only the offender is punished but also the corporation is punished by the fine prescribed in the respective items, and the individual is punished by the fine prescribed in the respective Articles:

- (i) the provisions of Article 77, items (i) through (iii), item (iv) (excluding the part related to persons who have installed a reactor to be installed on a vessel (excluding a reactor that is in the stage of research and development) and a reactor other than power reactors (hereinafter referred to as "licensee of research and test reactor operations") in this Article), item (iv)-2, item (v) (excluding the part related to licensees of research and test reactor operations), or items (vi) through (vii)-3 of Article 77: a fine of not more than three hundred million yen;
- (ii) the provisions of Article 78, item (i), item (iii) (excluding the part related to licensees of research and test reactor operations and users), item (iv) (excluding the part related to licensees of research and test reactor operations and users), item (vi), item (vi)-2 (excluding the part related to licensees of research and test reactor operations and users), item (vii), item (viii) (excluding the part related to licensees of research and test reactor operations), item (viii)-2 (excluding the part related to licensees of research and test reactor operations and users), item (x) (excluding the part related to licensees of research and test reactor operations), item (xi), item (xii) (excluding the part related to licensees of research and test reactor operations), item (xiii)-3, item (xiii)-4, item (xiv), item (xv), item (xvii), item (xviii), item (xx), item (xxi), item (xxv)-2 (excluding the part related to licensees of research and test reactor operations, users, and users of nuclear source material), item (xxvi)-2 (excluding the part related to licensees of test and research reactor operations and users), items (xxvii)-2 through (xxvii)-4, item (xxviii) (excluding the part related to licensees of research and test reactor operations and users), item (xxix) (excluding the part related to licensees of research and test reactor operations and users), or item (xxx) (excluding the part related to licensees of research and test reactor operations and users) : a fine of not more than one hundred million yen; and
- (iii) the provisions of Article 77 (excluding the part related to the provisions set forth in item (i)), Article 78 (excluding the part related to the provisions set forth in the preceding item), Article 78-4, Article 79, or Article 80: a fine prescribed in the respective Articles.

Article 82 A person who falls under any of the following items is punished by a civil fine of not more than two hundred thousand yen:

- (i) a person who has not made a notification pursuant to the provisions of

- Article 7, Article 17, Article 43-12, Article 46-3, or Article 51-11, or has made a false notification;
- (ii) a person who has neglected to make a notification pursuant to the provisions of Article 12-3, paragraph (2) (including as applied mutatis mutandis pursuant to Article 22-7, paragraph (2), Article 43-2-2, paragraph (2), Article 43-3-28, paragraph (2), Article 43-26, paragraph (2), Article 50-4, paragraph (2), Article 51-24, paragraph (2), and Article 57-3, paragraph (2));
  - (ii)-2 a person who has not made a public announcement pursuant to the provisions of Article 12-5-2, paragraph (1) or (3), Article 22-7-3, paragraph (1) or (3), or Article 43-3, paragraph (1) or (3), Article 43-3-33, paragraph (1) or (3), Article 43-26-4, paragraph (1) or (3), Article 50-4-3, paragraph (1) or (3), Article 51-24-3, paragraph (1) or (3), Article 57-4, paragraph (1) or (3), or has made a false public announcement;
  - (iii) a person who has neglected to make a notification pursuant to the provisions of Article 22-2, paragraph (2) (including as applied mutatis mutandis pursuant to Article 50-2, paragraph (2));
  - (iv) a person who has failed to return, without legitimate grounds, the license for chief engineer of nuclear fuel in violation of an order under the provisions of Article 22-3, paragraph (3);
  - (iv)-2 a person who has not made a notification pursuant to the provisions of Article 22-7-2, paragraph (3), Article 43-3-29, paragraph (3), or Article 50-4-2, paragraph (3), or has made a false notification;
  - (iv)-3 a person who has violated an order under the provisions of Article 22-7-2, paragraph (4), Article 43-3-29, paragraph (4), or Article 50-4-2, paragraph (4);
  - (iv)-4 a person who has not made a public announcement pursuant to the provisions of Article 22-7-2, paragraph (5), Article 43-3-29, paragraph (5), or Article 50-4-2, paragraph (5), or has made a false public announcement;
  - (v) a person who has not made a notification pursuant to the provisions of Article 30, Article 43-3-17, Article 43-13, or Article 46-4, or has made a false notification;
  - (vi) a person who has neglected to make a notification pursuant to the provisions of Article 40, paragraph (2) (including as applied mutatis mutandis pursuant to Article 43-3-26, paragraph (2));
  - (vii) a person who has failed to return, without legitimate grounds, the license for chief engineer of reactors in violation of an order under the provisions of Article 41, paragraph (3);
  - (vii)-2 a person who has neglected to make a notification pursuant to the provisions of Article 43-22, paragraph (2);
  - (viii) a person who has neglected to make a notification pursuant to the provisions of Article 51-20, paragraph (2);

- (ix) a person who has violated the provisions of Article 59-2, paragraph (2); or
- (x) a person who has not made a report set forth in Article 61-9-3, paragraph (2), or has made a false report.

Article 83 A person who has neglected to make a notification pursuant to the provisions of Article 6, paragraph (2), Article 9, paragraph (2), Article 16, paragraph (2), Article 19, paragraph (2), Article 26, paragraph (2) or (3), Article 26-2, paragraph (2), Article 32, paragraph (2), Article 43-3-8, paragraph (3), Article 43-3-19, paragraph (2), Article 43-7, paragraph (2), Article 43-15, paragraph (2), Article 44-4, paragraph (2), Article 46-6, paragraph (2), Article 51-5, paragraph (2), Article 51-13, paragraph (2), Article 55, paragraph (2), Article 55-4, paragraph (2), Article 57-7, paragraph (3) (limited to the part related to changes in a particular listed in paragraph (2), item (i) or (v) of the same Article), Article 61-5, paragraph (2), or Article 61-5-3, paragraph (2) is punished by a civil fine of not more than one hundred thousand yen.

(Special Provisions on Jurisdiction of the First Instance)

Article 84 A jurisdiction of the first instance of a suit pertaining to the crime set forth in Article 78-5 also rests with a district court.

## **Chapter XV Release of Foreign Vessels Subject to Security Deposit**

(Release of Foreign Vessels Subject to Security Deposit)

Article 85 (1) A person specified by Cabinet Order who is a judicial police officer (hereinafter referred to as "regulating officer"), in the following cases, must announce the particulars listed in the following paragraph without delay to the captain of the relevant vessel (including a person that carries out the duties in lieu of the captain) and the offender (limited to the crew of the relevant vessel; the same applies hereinafter):

- (i) when the captain of a vessel or other crew members have been arrested in a case involving a foreign vessel (hereinafter referred to as "case") on account of a crime set forth in Article 78 (limited to the part related to Article 62, paragraph (1)), Article 78-5, Article 80 (limited to the part related to Article 67, paragraphs (1) and (4) and Article 68, paragraphs (1) and (3)), or Article 81 (limited to the part related to Article 62, paragraph (1), Article 67, paragraphs (1) and (4), and Article 68, paragraphs (1) and (3)); and
- (ii) beyond what is set forth in the preceding item, when a vessel, a document verifying the nationality of a vessel, or any other document necessary for navigating a vessel (hereinafter referred to as "certificate of nationality of vessel, etc.") has been seized in connection with the case, and it is found that there are reasonable grounds to suspect that the captain of the vessel or

- other crew members have committed a crime as prescribed in that item;
- (2) The particulars that must be announced pursuant to the provisions of the preceding paragraph are as follows:
- (i) the fact that upon providing security deposit or a document certifying its payment to the competent minister, pursuant to the provisions of the Cabinet Order prescribed in paragraph (1) of the following Article, the offender is to be released, and the vessel, certificate of nationality of vessel, etc. and any other article seized (hereinafter referred to as "seized articles") are to be returned without delay; and
  - (ii) the amount of security deposit required to be provided.
- (3) The amount of security deposit set forth in item (ii) of the preceding paragraph is to be determined by the regulating officer, in accordance with the type, manner, and other circumstances of the case and in compliance with the criteria specified by the competent minister, pursuant to the provisions of Cabinet Order.

Article 86 (1) When the security deposit in the amount announced pursuant to the provisions of paragraph (1) of the preceding Article or a document certifying its payment has been provided to the competent minister pursuant to the provisions of Cabinet Order, the competent minister is to notify the regulating officer or public prosecutor of the fact without delay.

- (2) When the regulating officer has received a notice under the provisions of the preceding paragraph, the regulating officer, without delay, must release the offender and return the seized articles.
- (3) When the public prosecutor has received a notice under the provisions of paragraph (1), the public prosecutor, without delay, must take necessary measures related to the release of the offender and the return of the seized articles.

Article 87 (1) The security deposit is retained by the competent minister.

- (2) If, in any proceedings connected to a case, an offender fails to appear at the specified place on the specified date, or if a seized article that was returned and that was requested to be submitted is not submitted to the specified place on the specified date, the security deposit is to belong to the national treasury on the day on which one month has elapsed from the day following the specified date; provided, however, that this does not apply when an offer was made before the day on which one month has elapsed from the day following the specified date, to make an appearance or to submit the seized article on a given day within three months from the day following the specified date.
- (3) In the case set forth in the proviso to the preceding paragraph, when the offender fails to appear or the seized article is not submitted on the specified

date related to the offer, the security deposit is allocated to the national treasury on the day following the specified date.

(4) The security deposit is to be returned upon the conclusion of the proceedings connected to the case, or when any other reason that makes its retention unnecessary arises.

(Delegation to the Order of the Competent Ministry)

Article 88 The proceedings and any other particulars necessary for implementing the provisions of the preceding three Articles are specified by the order of the competent ministry.

(Competent Minister)

Article 89 The competent minister in Articles 85 through 87 and the order of the competent ministry in the preceding Article are specified by Cabinet Order.