

Atomic Energy Basic Act

(Act No. 186 of December 19, 1955)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to secure energy resources for the future, and promote academic progress, industrial development, and also the prevention of global warming, by promoting the research, development, and utilization of nuclear energy (referred to as "nuclear energy utilization" below), as a result, contributing to the improvement of the welfare of human society and of the standard of living of the people.

(Basic Policy)

Article 2 (1) Nuclear energy utilization is limited to peaceful purposes, with the aim of ensuring safety, and is to be carried out autonomously under democratic management, and the results of this is to be made public, so as to actively contribute to international cooperation.

(2) Ensuring the safety referred to in the preceding paragraph is to be based on established international standards and is to be carried out with the aim of protecting the lives, health, and property of the people, preserving the environment, and contributing to the national security of the country.

(3) Nuclear energy utilization is to be conducted with the understanding that it

must always be assumed that a nuclear accident may occur (meaning an accident caused by the operation of a reactor, etc. prescribed in Article 2, paragraph (1) of the Act on Compensation for Nuclear Damage (Act No. 147 of 1961); this also applies below) while making every effort to prevent it, based on sincere repentance of the national government and nuclear operators (meaning persons who conduct business related to nuclear power generation; this also applies in Articles 2-3 and 2-4) for falling victim to the myth of safety and being unable to prevent the accident that occurred at the Tokyo Electric Power Company's Fukushima Daiichi Nuclear Power Plant which was caused by the 2011 off the Pacific coast of Tohoku Earthquake occurred on March 11, 2011.

(Responsibilities of the National Government)

Article 2-2 (1) In nuclear energy utilization, the national government is responsible for taking the necessary measures to contribute to ensuring a stable supply of electricity by using nuclear power generation as one of its power source options, to promoting the use of non-fossil fuel energy sources (meaning non-fossil fuel energy sources as prescribed in Article 2, paragraph (2) of the Act on the Promotion of Environmentally Compatible Utilization of Energy Sources and Effective Utilization of Raw Fossil Fuel Materials by Energy Companies (Act No. 72 of 2009); this also applies in Article 16-2, paragraph (2)) in power generation toward the realization of a decarbonized society (meaning a decarbonized society as prescribed in Article 2-2 of Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998); this also applies in Article 16-2, paragraph (2)) in Japan, and to contribute to improving the autonomy of energy supply.

(2) In nuclear energy utilization, the national government is responsible for ensuring the safety of its nuclear facilities (meaning nuclear facilities as prescribed in Article 2, paragraph (7) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 166 of 1957; referred to as the "Act on the Regulation of Nuclear Reactors" in item (iv) of the following Article and Article 2-4, paragraph (1); this also applies below) by making constant efforts to improve, while taking all possible measures to prevent disasters caused by nuclear accidents, so that they can assure the citizens, including the residents of the regions in which nuclear facilities are located and cities that are major consumers of electricity, of the safety of nuclear power generation and promote the efforts necessary to gain their understanding and cooperation, as well as regional development and other efforts to resolve issues in areas where nuclear facilities are located.

(Basic Measures for Nuclear Energy Utilization)

Article 2-3 To enable the appropriate utilization of nuclear power generation,

the national government is to take the following measures and any other necessary measures, while ensuring the safety of nuclear facilities:

- (i) measures to promote the maintenance and development of advanced technology related to nuclear power generation, to foster and secure human resources to engage in that technology, and to maintain and strengthen the industrial foundation necessary for the maintenance and development of that technology;
- (ii) measures to strengthen mutual coordination among business operators, the Japan Atomic Energy Agency, and other relevant parties engaged in research and development related to nuclear energy, as well as international coordination related to the research and development, and other measures to promote the research and development and ensure the smooth practical application of those results;
- (iii) measures to develop a business environment in which a nuclear operator is able to conduct its business in a stable manner, such as by making the necessary investments to ensure the safety of its nuclear facilities, even in circumstances where fundamental changes in the system relating to electricity business have been implemented;
- (iv) necessary measures including coordination with the relevant local governments for the smooth and steady implementation of the reprocessing, etc. prescribed in Article 2, paragraph (4) of the Act on Spent Nuclear Fuel Reprocessing and Promotion of Decommissioning (Act No. 48 of 2005), the increase of the storage capacity of spent fuel prescribed in paragraph (1) of that Article, and other measures, as well as the decommissioning measures prescribed in Article 43-3-33, paragraph (1) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors;
- (v) measures for promoting public understanding regarding final disposal (meaning the final disposal prescribed in Article 2, paragraph (2) of the Act on Final Disposal of Specified Radioactive Waste (Act No. 117 of 2000); this also applies in this item), proactive efforts to encourage local governments and other relevant parties to implement final disposal in a systematic manner, support for local governments whose areas are subject to literature review prescribed in Article 6, paragraph (2) of that Act or an outline survey area, etc. prescribed in Article 3, paragraph (2), item (ii) of that Act, local governments with an understanding of and interest in final disposal, and other relevant parties through coordination with relevant ministries, international coordination for promoting research and development regarding final disposal, and strengthening of coordination with the Nuclear Waste Management Organization of Japan and nuclear operators, and other measures necessary for the smooth and steady implementation of final disposal.

(Responsibilities of a Nuclear Operator)

Article 2-4 (1) In nuclear energy utilization, a nuclear operator is responsible for taking the necessary measures to prevent the occurrence of nuclear accidents and to ensure the physical security of specified nuclear fuel materials as prescribed in Article 2, paragraph (6) of the Act on the Regulation of Nuclear Reactors, constantly reviewing the content of the measures, enhancing and strengthening the system for improving the safety of nuclear facilities, and taking the necessary measures to enhance and strengthen the disaster prevention system for responding to nuclear accidents in coordination with the relevant local governments and other relevant organizations.

(2) A nuclear operator, considering that it is extremely important for the smooth implementation of its business to secure the trust and understanding of the local community regarding nuclear power generation in the region where its nuclear facilities are located, while promoting the necessary initiatives, is responsible for cooperating with the national government or local governments in their regional development efforts or other activities aimed at resolving problems in the region where its nuclear facilities are to be located.

(Definitions)

Article 3 In this Act, the following terms are defined as follows:

- (i) the term "nuclear energy" means all types of energy emitted from the nucleus of an atom in the process of nuclear transmutation;
- (ii) the term "nuclear fuel material" means a material that emits high energy in the process of atomic fission, such as uranium and thorium, which is specified by Cabinet Order;
- (iii) the term "nuclear source material" means a raw material used for nuclear fuel materials, such as uranium ore, thorium ore, or any other material, which is specified by Cabinet Order;
- (iv) the term "reactor" means a device that uses nuclear fuel materials as fuel; provided, however, that those specified by Cabinet Order are excluded;
- (v) the term "radiation" means an electromagnetic wave or a corpuscular beam, which has the ability to ionize air directly or indirectly, and is specified by Cabinet Order.

Chapter I-2 The Nuclear Regulation Authority

Article 3-2 For ensuring safety in nuclear energy utilization, the Nuclear Regulation Authority is established as an external organ of the Ministry of the Environment, pursuant to the provisions of a separate Act.

Chapter I-3 The Nuclear Emergency Preparedness Council

(Establishment)

Article 3-3 The Nuclear Emergency Preparedness Council (referred to as the "Council" below) is established in the Cabinet.

(Affairs under the Jurisdiction)

Article 3-4 The Council takes charge of the following affairs:

- (i) the promotion of the implementation of measures based on the Nuclear Regulation Authority Guide for Emergency Preparedness and Response (meaning the Nuclear Regulation Authority Guide for Emergency Preparedness and Response [NRA EPA Guide] prescribed in Article 6-2, paragraph (1) of the Act on Special Measures for Responding to Nuclear Disasters (Act No. 156 of 1999)) and the promotion of the implementation of other measures to ensure comprehensive efforts by the government in preparation for the occurrence of a nuclear accident;
- (ii) the promotion of the implementation of measures that requires long-term, comprehensive efforts by a large number of relevant parties in the event of a nuclear accident.

(Organization)

Article 3-5 (1) The Council is composed of a chairperson, deputy chairpersons, and members.

(2) The Prime Minister serves as chairperson.

(3) The Chief Cabinet Secretary, the Minister of the Environment, a person from among Ministers of State other than the Chief Cabinet Secretary and the Minister of the Environment designated by the Prime Minister, and the chairperson of the Nuclear Regulation Authority serve as the vice-chairpersons.

(4) The following persons serve as members:

- (i) all Ministers of State other than the chairperson and the deputy chairpersons, and Deputy Chief Cabinet Secretary for Crisis Management;
- (ii) persons appointed by the Prime Minister from among the Deputy Chief Cabinet Secretary, State Minister of the Environment or Deputy Ministers of the relevant Ministries, Parliamentary Vice-Minister of the Environment or Parliamentary Vice-Ministers of the relevant Ministries, or heads of relevant administrative organizations other than Ministers of State.

(Secretariat)

Article 3-6 (1) The Council is to establish a secretariat to handle its affairs.

(2) The secretariat has a secretary general and other staff members.

(3) The Minister of the Environment serves as secretary general of the

secretariat.

- (4) The secretary general administers the affairs of the secretariat, under the orders of the chairperson, with the cooperation of Assistant Chief Cabinet Secretary, which has been so ordered, and the Prime Minister, who is the minister in charge of the allocation and management of the affairs prescribed in Article 4, paragraph (3) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999).

(Delegation to Cabinet Order)

Article 3-7 Beyond what is provided for in this Act, necessary matters concerning the conference are specified by Cabinet Order.

Chapter II Atomic Energy Commission

(Establishment)

Article 4 The Atomic Energy Commission is established under the Cabinet Office for systematically carrying out the national policies on nuclear energy utilization and implementing the democratic operation of nuclear energy administration.

(Duties)

Article 5 The Atomic Energy Commission plans, deliberates on, and decides on matters related to nuclear energy utilization (excluding those related to the implementation of measures to ensure safety).

(Organization, Operation and Authority)

Article 6 The organization, operation and authority of the Atomic Energy Commission are provided for separately by law.

Chapter III Organization for Nuclear Energy Development

(Japan Atomic Energy Agency)

Article 7 The basic and applied research on nuclear energy, the development of fast breeder reactors and necessary nuclear fuel materials for the purpose of establishing the nuclear fuel cycle, the development of technology for reprocessing, etc. of nuclear fuel materials, and the dissemination, etc. of those results are to be carried out by the Japan Atomic Energy Agency based on the basic policy prescribed in Article 2.

Chapter IV Development and Acquisition of Minerals Related to Nuclear Energy

(Special Provisions on the Mining Act)

Article 8 Special provisions of the Mining Act (Act No. 289 of 1950) are to be provided separately by law for mining rights and mining lease rights relating to nuclear source materials.

(Purchase Order and Transfer Order)

Article 9 The government may, as provided for separately by law, order a person designated by them to purchase nuclear source materials, or order a producer, owner or manager of nuclear source materials to transfer nuclear source materials to a person designated by the government.

(Management of Nuclear Source Materials)

Article 10 The import, export, transfer, acquisition and refining of nuclear source materials are to be performed only by persons designated by the government, as provided for separately by law.

(Financial Incentives)

Article 11 The government may, within the limits of its budget, grant financial incentives or prize money to persons who contribute to the development of nuclear source materials.

Chapter V Management of Nuclear Fuel Materials

(Regulations Concerning Nuclear Fuel Materials)

Article 12 Any person who intends to produce, import, export, own, possess, transfer, receive, use or transport nuclear fuel materials must comply with the regulations of the government as provided separately by law.

(Order of Transfer of Nuclear Fuel Materials)

Article 13 When enforcing the regulations prescribed in the preceding Article, the government may, as provided for separately by law, order a person who owns or possesses nuclear fuel materials to transfer the nuclear fuel materials, with instructions as to the transferee and the price.

Chapter VI Management of Reactors

(Regulations over Construction of Reactors)

Article 14 Any person who intends to construct a reactor must comply with the regulations of the government as provided for separately by law. This also applies to any person who intends to remodel or relocate a reactor.

Article 15 Any person who intends to transfer or acquire a reactor must comply with the regulations of the government as provided for separately by law.

Article 16 A person who has constructed, remodeled, relocated or acquired a reactor in accordance with the regulations prescribed in the preceding two Articles must, as provided for separately by law, formulate an operation plan before commencing operations and obtain the approval of the government.

Article 16-2 (1) Any person who operates a reactor used for nuclear power generation must comply with the regulations of the operation period imposed by the government as provided for separately by law.

(2) The regulations of the operation period stated in the preceding paragraph are to be taken to secure a stable supply of electricity in Japan, from the viewpoint of promoting the stable nuclear energy utilization, while promoting the use of non-fossil fuel energy sources in electricity generation for the realization of a decarbonized society.

Chapter VII Measures for Patented Inventions

(Measures Provided in the Patent Act)

Article 17 If the government finds it to be necessary for the public interest, then it is to take measures pursuant to the provisions of Article 93 of the Patent Act (Act No. 121 of 1959) concerning a nuclear patented invention.

(Transfer Restriction)

Article 18 The conclusion of a contract on the draining of patented inventions and technologies, etc. related to nuclear energy from Japan must be subject to the regulations of the government as provided for separately by law.

(Financial Incentives)

Article 19 The government may, within the limits of its budget, grant financial incentives or prize money with respect to an invention claimed in a patent application or a patented invention related to nuclear energy.

Chapter VIII Prevention of Radiation Hazards

(Measures for the Prevention of Radiation Hazards)

Article 20 To prevent radiation hazards and ensure public safety, regulations on the manufacture, sale, use, measurement, etc. and other safety and health measures regarding radioactive materials and radiation generators are

provided for separately by law.

Chapter IX Compensation

(Compensation)

Article 21 When the government or a person designated by the government exercises its authority for the development of nuclear source materials based on this Act or a law that enforces this Act, and if the government or the person has caused any loss to a right holder and a person concerned with the land rights, a mining right, a mining lease right, or any other right, then the government or the person must provide reasonable compensation for that loss as provided for respectively by law.

Supplementary Provisions

This Act comes into effect as of January 1, 1956.

Supplementary Provisions [Act No. 72 of July 20, 1967]

This Act comes into effect as of the date of its promulgation; provided, however, that the provisions for revisions of Article 7 come into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [Act No. 86 of July 5, 1978 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date listed in each of the following items according to the category listed in the relevant item:

- (i) omitted;
- (ii) the provisions of Article 1, the provisions of Article 2 (excluding the provisions of that Article stated in the preceding item), Article 3: the provisions to revise Article 4, paragraph (2) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuels Material and Reactors, the provisions to revise Article 14, paragraph (2) of that Act, the provisions to revise Article 23 of that Act by adding one paragraph, and the provisions to revise Article 24, paragraph (2) of that Act (excluding the part to revise "Prime Minister" to "competent ministers"), and the provisions of paragraph (2) of the following Article, Article 5 through Article 7 of the Supplementary Provisions, and Article 9 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the date

of promulgation.

Supplementary Provisions [Act No. 62 of May 20, 1998 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 102 of July 16, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Act Partially Amending the Cabinet Act (Act No. 88 of 1999) comes into effect; provided, however, that the provisions stated in the following items come into effect as of the date specified respectively in those items.

(i) omitted;

(ii) the provisions of Article 10, paragraphs (1) and (5), Article 14, paragraph (3), Article 23, Article 28, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures Provided Separately)

Article 30 Beyond what is provided for in Article 2 through the preceding Article, the transitional measure necessary for the enforcement of this Act are specified separately by law.

**Supplementary Provisions [Act No. 155 of December 3, 2004 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Articles 10 through 12, Articles 14 through 17, Article 18, paragraphs (1) and (3), and Articles 19 through 32 of the Supplementary Provisions come into effect as of October 1, 2005.

Supplementary Provisions [Act No. 47 of June 27, 2012 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions stated in the following items come into

effect as of the date specified respectively in those items:

- (i) the provisions of Article 7, paragraph (1) (limited to the part on obtaining the consent of both houses of the Diet), and Article 2, paragraph (3) (limited to the part on obtaining the consent of both houses of the Diet), Article 5, Article 6, Article 14, paragraph (1), Article 34, and Article 87 of the Supplementary Provisions: the date of promulgation.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 87 Beyond what is provided for in these Supplementary Provisions, transitional measure necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 67 of June 13, 2014 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Act Partially Amending Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; referred to as the "Act Amending the Act on General Rules" below) comes into effect; provided, however, that the provisions stated in the following items come into effect as of the date prescribed respectively in those items:

- (i) the provisions of Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Effect of Dispositions)

Article 28 Any dispositions, procedures or other acts conducted or to be conducted before the enforcement of this Act, pursuant to the provisions of the respective Acts before the revision by this Act (including orders issued under that Act), for which the corresponding provisions exist in the respective Acts revised by this Act (including orders issued under that Act; referred to as the "new Act or Cabinet Order" in this Article), are deemed to be dispositions, procedures or other acts conducted or to be conducted pursuant to the corresponding provisions of the new Act or Cabinet Order, except those otherwise provided by Acts (including Cabinet Order issued under that Act).

(Delegation of Other Transitional Measures to Cabinet Order)

Article 30 Beyond what is provided for in Article 3 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order (or on matters under the jurisdiction of the National Personnel Authority, by the Rules of the Authority).

Supplementary Provisions [Act No. 44 of June 7, 2023 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2024; provided, however, that the provisions stated in the following items come into effect as of the date specified respectively in those items:

- (i) the provisions of Article 5 (excluding the provisions adding one Article to Chapter VI of the Atomic Energy Basic Act) and the provisions of Article 13, Article 15, Article 16 and Article 26 of the Supplementary Provisions: the date of promulgation;
- (ii) and (iii) Omitted;
- (iv) the provisions in Article 1 to revise the table of contents of the Electricity Business Act (limited to the part revising "Article 27-29" to "Article 27-29-6"), the provisions to revise Article 27-29 of the Act, the provisions to revise Chapter II, Section 5 of the Act by adding five Articles, the provisions to revise Article 54 of the Act, the provisions to revise Article 106, paragraph (1) of the Act, the provisions to revise Article 108, paragraph (1) of the Act, the title of Article 112-3 of the Act and the provisions to revise paragraph (1) of the Article, the provisions to revise Article 116 of the Act, the provisions to revise Article 120, item (i) of the Act, and the provisions to revise Article 121, items (i) and (iii) of the Act, the provisions of Article 2 (excluding the provisions to revise listed in item (ii); this also applies in paragraph (1) of the following Article and Article 3 of the Supplementary Provisions), and the provisions of Article 5 (limited to the provisions to revise Chapter VI of the Atomic Energy Basic Act by adding one Article), and the provisions of the following Article and Article 3, Article 18, paragraphs (2) and (3), Article 20 (limited to the provisions to revise Article 9, paragraph (21) of the Supplementary Provisions of the Local Tax Act (Act No. 226 of 1950)), and the provisions of Article 21 and Article 22: the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Transitional Measure Accompanying the Partial Amendment of the Atomic Energy Basic Act)

Article 15 To apply the provisions of Article 2-3, item (iv) of the Atomic Energy Basic Act revised by the provisions of Article 5 (limited to the provisions for revision listed in Article 1, item (i) of the Supplementary Provisions) (referred to as the "new Atomic Energy Basic Act" in the following Article and Article 18, paragraph (2) of the Supplementary Provisions) during the period from the date of enforcement of the provisions listed in Article 1, item (i) of the Supplementary Provisions to the date preceding the date of enforcement, the

term "Act on Spent Nuclear Fuel Reprocessing and Promotion of Decommissioning" in Article 2-3, item (iv) is deemed to be replaced with, "Act on Spent Nuclear Fuel Reprocessing".

Article 16 To apply the provisions of Article 2-2, paragraph (1) of the new Basic Atomic Energy Act during the period from the date of enforcement of the provisions listed in Article 1, item (i) of the Supplementary Provisions to the date preceding the item (iv) date of enforcement, the phrase "meaning...this also applies in Article 16-2, paragraph (2)" in that paragraph is deemed to be replaced with "meaning...".

(Delegation to Cabinet Order)

Article 26 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.