

# Atomic Energy Basic Act

(Act No. 186 of December 19, 1955)

## Table of Contents

Chapter I General Provisions (Articles 1 to 3)
Chapter II Atomic Energy Commission and Nuclear Safety Commission (Articles 4 to 6)
Chapter III Organization for Development of Nuclear Energy (Article 7)
Chapter IV Development and Acquisition of Minerals Related to Nuclear Energy (Articles 8 to 11)
Chapter V Control over Nuclear Fuel Materials (Articles 12 to 13)
Chapter VI Control of Reactors (Articles 14 to 16)
Chapter VII Measures for Patented Inventions, etc. (Articles 17 to 19)
Chapter VIII Prevention of Radiation Hazards (Article 20)
Chapter IX Compensation (Article 21)
Supplementary Provisions

## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to secure energy resources in the future, achieve scientific and technological progress, and promote industry by encouraging the research, development and utilization of nuclear energy, thereby contributing to the improvement of the welfare of human society and of the national living standard.

### (Basic Policy)

Article 2 The research, development and utilization of nuclear energy is limited to peaceful purposes, is to aim at ensuring safety, and is performed independently under democratic administration, and the results obtained is made public so as to actively contribute to international cooperation.

### (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 Materials" means materials that emit high energy in the process of nuclear fission, such as uranium and thorium, which are specified by Cabinet Order;

- (iii) the term "Nuclear Source Materials" means materials that are used as the raw materials of nuclear fuel materials, such as uranium ore and thorium ore, which are 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; and
- (v) the term "Radiation" means electromagnetic waves or corpuscular beams capable of ionizing air directly or indirectly and specified by Cabinet Order.

## **Chapter II Atomic Energy Commission and Nuclear Safety Commission**

(Establishment)

Article 4 The Atomic Energy Commission and the Nuclear Safety Commission are established under the Cabinet Office for the purposes of systematically carrying out the planned national policies on the research, development and utilization of nuclear energy and of implementing the democratic operation of nuclear energy administration.

(Duties)

- Article 5 (1) The Atomic Energy Commission plans, deliberates on and determines matters related to the research, development and utilization of nuclear energy (excluding those related to implementing regulations for ensuring safety).
- (2) The Nuclear Safety Commission plans, deliberates on and determines matters related to ensuring safety from among the matters related to the research, development and utilization of nuclear energy.

(Organization, Operation and Authority)

Article 6 The matters concerning the organizations, operations and authorities of the Atomic Energy Commission and the Nuclear Safety Commission are provided separately by law.

## **Chapter III Organization for Development of Nuclear Energy**

(Japan Atomic Energy Agency)

Article 7 Activities such as the basic research and applied research on nuclear energy, the development of fast breeder reactors and necessary nuclear fuel materials for the purpose of establishing a nuclear fuel cycle, the development of technology for reprocessing, etc. of Nuclear Fuel Materials, as well as the dissemination of the results of such research and development, are carried out by the Japan Atomic Energy Agency in accordance with 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 With regard to mining rights or mining lease rights related to Nuclear Source Materials, special provisions on the Mining Act (Act No. 289 of 1950) are established separately by law.

(Purchase Order and Transfer Order)

Article 9 The Government may, as provided separately by law, order a person designated thereby 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.

(Control over Nuclear Source Materials)

Article 10 The import, export, transfer, receipt and purification of Nuclear Source Materials are entrusted only to persons designated by the Government, as provided separately by law.

(Financial Incentives)

Article 11 The Government may, within its budgetary limits, grant financial incentives or prize money to persons who contribute to the development of Nuclear Source Materials.

#### **Chapter V Control over Nuclear Fuel Materials**

(Regulations Concerning Nuclear Fuel Materials)

Article 12 Persons who intend to produce, import, export, own, possess, transfer, receive, use or transport Nuclear Fuel Materials must be subject to the regulations to be enforced by 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 separately by law, order a person who owns or possesses Nuclear Fuel Materials to transfer the same to the party and at the price designated by the Government.

#### **Chapter VI Control of Reactors**

(Regulations over Construction of Reactors)

Article 14 A persons who intends to construct reactor(s) must be subject to the regulations of the Government as provided separately by law. The same also applies to a person who intends to reconstruct or relocate them.

Article 15 A person who intends to transfer or receive reactor(s) must be subject to the regulations of the Government as provided separately by law.

Article 16 A person who has constructed, reconstructed, relocated or received reactor(s) in compliance with the regulations prescribed in the preceding two Articles must, as provided separately by law, formulate an operation plan and obtain the approval of the Government prior to the operation.

## **Chapter VII Measures for Patented Inventions, etc.**

(Measures under the Patent Act)

Article 17 When it finds it necessary for the public interest, the Government is to take measures for patented inventions related to nuclear energy pursuant to the provisions of Article 93 of the Patent Act (Act No. 121 of 1959).

(Restriction on Transfer)

Article 18 The conclusion of contracts resulting in the outflow of patented inventions, technologies, etc. related to nuclear energy from Japan must be subject to the regulations of the Government as provided separately by law.

(Financial Incentives)

Article 19 The Government may, within its budgetary limits, grant financial incentives or prize money with regard to inventions claimed in patent applications or patented inventions, which are related to nuclear energy.

## **Chapter VIII Prevention of Radiation Hazards**

(Measures for the Prevention of Radiation Hazards)

Article 20 In order to prevent radiation hazards and ensure public safety, the regulations on the manufacture, sale, use, measurement, etc. and any other safety and health measures relating to radioactive materials and radiation generating devices are provided separately by law.

## **Chapter IX Compensation**

(Compensation)

Article 21 Where the Government or a person designated by the Government, when exercising its or the person's authority for the development of Nuclear Source Materials under this Act and the law enacted to enforce this Act, has caused a loss in relation to a right to land, mining right or mining lease right, or any other right to the right holder and the parties concerned, the Government or such person must provide justifiable compensation to them as respectively provided 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 comes into effect as of the day 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]**

(Effective Date)

Article 1 This Act comes into effect as of the date set forth in each of the following items for the provisions listed in the respective items:

- (i) the provisions of Article 22 (limited to the part of the provisions of Article 5, paragraph (1) as applied mutatis mutandis pursuant to Article 22, which pertains to obtaining approval of both Houses of the Diet for appointment of commission members), in the provisions in Article 2 for revision of the Act for Establishment of the Atomic Energy Commission by changing Article 15 into Article 12 and adding two Chapters and Chapter titles following Article 12, as well as the provisions of paragraph (1) and paragraph (3) of the following Article: the date of promulgation;
- (ii) the provisions of Article 1, the provisions of Article 2 (excluding the provisions in Article 2 as set forth in the preceding item), the provisions in Article 3 for revision of Article 4, paragraph (2) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors, for revision by adding one paragraph to Article 23 of said Act, and for revision of Article 24, paragraph (2) of said Act (excluding the part for revising "Prime Minister" to "Competent Minister"), as well as the provisions of paragraph (2) of the following Article, Articles 5 through 7 of the Supplementary Provisions, and Article 9 of the Supplementary Provisions: the day specified

- by Cabinet Order within a period not exceeding three months from the date of promulgation; and
- (iii) the provisions other than those listed in the preceding two items: the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

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

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of its promulgation; provided, however, that the provisions in Article 2 for revision of the Power Reactor and Nuclear Fuel Development Corporation Act by deleting Article 31 and Article 32, paragraph (3), as well as the provisions of Article 5 and Article 6 of the Supplementary Provisions, come into effect as of the date of this Act's promulgation.

(Change to Japan Nuclear Cycle Development Institute)

Article 2 The Power Reactor and Nuclear Fuel Development Corporation (hereinafter referred to as the "PNC") is to become the Japan Nuclear Cycle Development Institute (hereinafter referred to as the "JNC") at the time of the enforcement of this Act.

(Refund of Equity Interest)

Article 3 (1) Any equity investor other than the Government may request a refund of their equity interest from the JNC up to the day on which one month has elapsed from the date of the enforcement of this Act.

(2) When a request is made under the provisions of the preceding paragraph, the JNC must refund the amount equivalent to the contribution amount pertaining to the equity interest concerned, notwithstanding the provisions of Article 7, paragraph (1) of the Japan Nuclear Cycle Development Institute Act as amended by this Act (hereinafter referred to as the "New Act"). In this case, the JNC is to have its stated capital reduced by the amount thus refunded.

(Transitional Measures Concerning Restrictions on Use of Name)

Article 4 With regard to any person who actually uses the name "Japan Nuclear Cycle Development Institute" at the time of the enforcement of this Act, the provisions of Article 9 of the New Act do not apply for six months after the enforcement of this Act.

(Transitional Measures Concerning Officers of PNC)

Article 5 The term of office of persons who are officers of the PNC on the day preceding the date of the enforcement of this Act expires as of said day, notwithstanding the provisions of Article 14, paragraph (1) of the Power Reactor and Nuclear Fuel Development Corporation Act prior to the amendment by this Act.

(Transitional Measures Concerning Basic Policy)

Article 6 (1) The Prime Minister must, prior to the date of the enforcement of this Act, formulate a basic policy under the provisions of Article 27, paragraph (1) of the New Act, after obtaining resolution of the Atomic Energy Commission.  
(2) The Prime Minister must, when the Prime Minister intends to formulate a basic policy pursuant to the provisions of the preceding paragraph, consult with the Minister of Finance and the Minister of International Trade and Industry in advance; provided, however, that the consultation with the Minister of International Trade and Industry is limited to the matters relating to the businesses listed in Article 24, paragraph (1), item (i),(a), (b), and (d) of the New Act.

(Transitional Measures Concerning Penal Provisions)

Article 7 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

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

(Effective Date)

Article 1 This Act comes into effect as of the date of the enforcement of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions listed in the following items come into effect as of the day specified in the respective items:

- (i) the provisions of Articles 1 through 3, the provisions of the following Article, and the provisions of Articles 31 through 38 of the Supplementary Provisions: the date prior to the enforcement of the Act for Partial Revision of the Cabinet Act, as specified separately by another Act; and
- (ii) the provisions of Article 10, paragraph (1) and paragraph (5), Article 14, paragraph (3), Article 23, Article 28, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Succession of Status of Officials)

Article 3 Unless an appointment is announced separately, persons who are officials (excluding the chairperson and members of the Council, etc. under

Article 8 of the National Government Organization Act (Act No. 120 of 1948)), the members of the Central Disaster Prevention Council, the chairperson and members of the Japanese Industrial Standards Committee, and those specified by Cabinet Order as similar persons) of the former Prime Minister's Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labor, Ministry of Construction or Ministry of Home Affairs (hereinafter referred to as the "Former Offices or Ministries" in this Article), at the time of the enforcement of this Act, are to become corresponding officials of the Cabinet Office, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, or Ministry of the Environment after the enforcement of this Act (hereinafter referred to as the "New Offices or Ministries" in this Article) or of a department or organization established thereunder specified by Cabinet Order as the New Offices or Ministries, or of the department or organization established thereunder that corresponds to the Former Offices or Ministries, or of the department or organization established thereunder to which the relevant officials belong at the time of enforcement of this Act, with the same working conditions.

(Transitional Measures Provided Separately)

Article 30 In addition to what is provided for from Article 2 to the preceding Article, transitional measures necessary upon the enforcement of this Act are provided separately in another Act.

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

(Effective Date)

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