

# 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 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 necessary regulations on refining activities, fabricating and enrichment activities, interim storage activities, reprocessing activities and waste disposal activities, as well as on the installment and operation, etc. of reactors, and also for the purpose of providing necessary regulations on the uses of international controlled material to execute treaties or other international agreements concerning the research, development and use of atomic energy, in order to ensure that the uses of nuclear source material, nuclear fuel material and reactors are limited to peaceful ones and carried out in a planned manner, and at the same time, to ensure public safety by preventing hazards due to these materials and reactors and protecting nuclear fuel material.

(Definitions)

- Article 2 (1) The term "nuclear energy" as used in this Act means atomic energy provided for in item (i) of Article 3 of the Atomic Energy Basic Act.
- (2) The term "nuclear fuel material" as used in this Act means nuclear fuel material provided for in item (ii) of Article 3 of the Atomic Energy Basic Act.
- (3) The term "nuclear source material" shall mean nuclear source material provided for in item (iii) of Article 3 of the Atomic Energy Basic Act.
- (4) The term "reactor" as used in this Act means reactor provided for in item (iv) of Article 3 of the Atomic Energy Basic Act.
- (5) The term "specified nuclear fuel material" as used in this Act means plutonium (excluding that 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.
- (6) The term "refining" as used in this Act means chemical processing of nuclear source material or nuclear fuel material in order to increase the content of uranium or thorium contained in nuclear source material or nuclear fuel material.
- (7) The term "fabricating and enrichment" as used in this Act means physical or chemical processing of nuclear fuel material in order to change the nuclear fuel material into such a form or composition that it may be used as fuel in a reactor.
- (8) The term "reprocessing" as used in this Act means the chemical processing of nuclear fuel material which has been spent 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.
- (9) 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 implementation of paragraphs 1 and 4 of Article III 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 atomic energy (excluding protocol additional to the agreement between the government of Japan and the International Atomic Energy Agency c in implementation of paragraphs 1 and 4 of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "additional protocol")) (hereinafter referred to as "international agreements").

(10) The Minister of Education, Culture, Sports, Science and Technology (hereinafter referred to as "Minister of MEXT") shall give public notices regarding the international controlled material set forth in the preceding paragraph.

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

## **Chapter II Regulations Concerning Refining Activities**

(Designation of Activity)

Article 3 (1) Any person who intends to carry out refining activities shall obtain designation by the Minister of Economy, Trade and Industry (hereinafter referred to as "Minister of METI"), pursuant to the provision of Cabinet Order.

(2) Any person or organization who intends to obtain the designation set forth in the preceding paragraph shall submit a written application containing the following items to the Minister of METI:

(i) its name and address and, in the case of a juridical person, the name of its representative,

(ii) the name and address 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 location, structure and equipment of refining facilities, and the refining method, and

(iv) a construction plan for the refining facilities.

(Criteria for Designation)

Article 4 (1) When the application for the designation set forth in paragraph (1) of the preceding Article is made, the Minister of METI shall not authorize the designation in the same paragraph unless the Minister finds that the

application conforms with each of the following items:

- (i) that approval of the application will not hinder the planned development and utilization of nuclear energy,
  - (ii) that the applicant has sufficient technical capability and financial basis for executing the activity competently, and
  - (iii) that the location, structure and equipment of the refining facilities are such that they will not hinder the prevention of disasters resulting from nuclear source material or nuclear fuel material.
- (2) In making the designation set forth in paragraph (1) of the preceding Article, the Minister of METI shall hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of criteria provided for in items (i) and (ii) of the preceding paragraph (limited to the portion pertaining to the financial basis only) and the opinion of the Nuclear Safety Commission with respect to the application of criteria provided for in item (ii) (limited to the portion pertaining to technical capability only) and item (iii) of the preceding paragraph.

(Ineligibility for the Designation)

Article 5 No person who falls under any of the following items shall be granted the designation under Article 3 (1):

- (i) a person whose designation under Article 3 (1) has been rescinded, pursuant to the provision of Article 10 (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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended,
- (iii) an adult ward, or
- (iv) a juridical person any of whose executive officials falls under any of the three preceding items.

(Permission for and Notification of Changes)

Article 6 (1) When a person who has obtained the designation set forth in Article 3 (1) (hereinafter referred to as "licensee of refining activity") intends to change any matter provided for in item (ii) or (iii) of paragraph (2) of said Article, he/she shall obtain the permission of the Minister of METI, pursuant to the provision of the Cabinet Order; provided, however, that this shall not apply to changing, from among the matters listed in item (ii) of said paragraph, only the name of the factory or the place of activity.

(2) When a licensee of refining activity has changed any matter provided for in item (i) or (iv) of Article 3 (2), with the exception of the case prescribed in

Article 9 (1), he/she shall notify the Minister of METI of the change within thirty days from the day that the change was made. The same shall apply to changes made to, from among the matters listed in item (ii) of said paragraph, only the name of the factory or the place of activity.

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

(Notification of Commencement of Activity, etc.)

Article 7 When a licensee of refining activity has commenced, suspended or restarted his/her activity, he/she shall notify the Minister of METI within fifteen days from the day concerned.

(Merger)

Article 8 (1) In the case of a merger of juridical persons who are licensees of refining activity (except in the case of a merger of a juridical person who is a licensee of refining activity and a juridical person who is not a licensee of refining activity, and where the juridical person who is the licensee of refining activity continues to exist), when the approval of the Minister of METI has been obtained for the merger, the juridical person who is to continue to exist after the merger, or the juridical person who has been established by the merger shall succeed to the status of licensee of refining activity.

(2) The provisions of item (i) and (ii) of Article 4 (1), paragraph (2) of said Article, and Article 5 shall 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 activity, the inheritor shall succeed to the status of the licensee of refining activity.

(2) The inheritor who has succeeded to the status of the licensee of refining activity pursuant to the provision of the preceding paragraph shall notify the Minister of METI of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of Designation)

Article 10 (1) When a licensee of refining activity fails to commence his/her activity within the period provided for in the Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as "Ordinance of METI"), or suspends his/her activity for more than one year continuously, without justifiable grounds, the Minister of METI may rescind the designation set forth in Article 3 (1).

(2) When a licensee of refining activity falls under any of the following items, the Minister of METI may rescind the designation set forth in Article 3 (1), or specify a period not exceeding one year and order suspension of the activity for that period:

- (i) when a licensee of refining activity falls under one of items (ii) to (iv) of Article 5,
- (ii) when he/she has changed a matter for which he/she should have obtained permission pursuant to the provision of Article 6 (1), without permission,
- (iii) when he/she has violated an order pursuant to the provision of Article 11-2 (2),
- (iv) when he/she has violated an order pursuant to provision of Article 12 (1) or (4), or an order pursuant to the provision of paragraph (3) of the said Article,
- (v) when he/she has violated the provision of Article 12-2 (1) or (4), or an order pursuant to the provision of paragraph (3) of said Article,
- (vi) when he/she has violated the provision of Article 12-3 (1),
- (vii) when he/she has violated the provision of Article 12-5,
- (viii) when he/she has violated the provision of Article 12-6 (1) and has abolished his/her refining activity,
- (ix) when he/she has violated the provision of Article 12-6 (2),
- (x) when he/she has violated the provision of Article 58 (2), or has violated an order pursuant to the provision of paragraph (3) of said Article,
- (xi) when he/she has violated the provision of Article 59 (2), or has violated an order pursuant to paragraph (4) of said Article,
- (xii) when he/she has violated the provision of Article 59-2 (2), or
- (xiii) when he/she has violated the conditions of Article 62-2 (1) or (2).

(Records)

Article 11 Pursuant to the provision of the Ordinance of METI, the licensee of refining activity shall record the matters specified in the Ordinance of METI concerning the implementation of the refining activity, and keep this record at the factory or the place of activity.

(Measures To Be Taken for Physical Protection of Specific Nuclear Fuel Material, etc.)

Article 11-2 (1) If a licensee of refining activity handles any specified nuclear fuel material at a factory or place of activity where refining facilities have been installed and where the Cabinet Order requires, the licensee of refining activity shall, pursuant to the provision of the Ordinance of METI, establish and manage areas for the physical protection of specific nuclear fuel material, control specified nuclear fuel material by means of locking, etc. the material, perform maintenance and inspection of equipment and devices necessary for

the physical protection of specific nuclear fuel material, and take any other necessary measures for the physical protection of specific nuclear fuel material (hereinafter referred to as "protective measures").

- (2) When the Minister of METI finds that any protective measures are in violation of the Ordinance of METI based on the provision set forth in the preceding paragraph, he/she may order the licensee of refining activity to correct the measures pertaining to areas for the physical protection of specific nuclear fuel material, correct the handling method of specified nuclear fuel material, and take any other measures necessary for the protection of specified nuclear material (hereinafter referred to as "corrective measures").

(Operational Safety Programs)

Article 12 (1) If a licensee of refining activity conducts activity consisting of refining nuclear fuel material, he/she shall, pursuant to the provision of the Ordinance of METI, specify operational safety programs (including rules concerning education on operational safety of nuclear fuel material handling; hereinafter the same shall apply in this Article) before commencing activity and obtain the approval of the Minister of METI. The same shall apply when amendments are made to such programs.

- (2) When the Minister of METI finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material, he/she shall not grant the approval set forth in the preceding paragraph.
- (3) When the Minister of METI finds that the operational safety programs need to be amended for preventing disasters resulting from nuclear fuel material, he/she may order the licensee of refining activity to amend the operational safety programs.
- (4) Any licensee of refining activity and his/her employees must observe the operational safety programs.
- (5) Any licensee of refining activity shall undergo an inspection conducted by the Minister of METI at periodic intervals pursuant to the provision of the Ordinance of METI regarding the compliance with the provision set forth in the preceding paragraph.
- (6) In conducting the inspection set forth in the preceding paragraph, the official designated by the Minister of METI may carry out the matters listed below as specified by the Ordinance of METI:
- (i) enter the office, factory or place of activity,
  - (ii) inspect books, documents or any other necessary property,
  - (iii) question people concerned, and
  - (iv) request the submission of nuclear source material, nuclear fuel material or any other necessary samples (limited to the minimum amount necessary for analysis).

- (7) When the official enters pursuant to the provision of item (i) of the preceding paragraph, he/she shall carry an identification card and produce it when requested by people concerned.
- (8) The authority pursuant to the provision of paragraph (6) shall not be construed as one that is authorized for a criminal investigation.

(Physical Protection Program)

Article 12-2 (1) In the case where the provision of Article 11-2 (1) is applicable, the licensee of refining activity shall, pursuant to the provision of the Ordinance of METI, provide physical protection program and obtain the approval of the Minister of METI before commencing the operation of specified nuclear material. The same shall also apply when amendments are made to such program.

- (2) When the Minister of METI finds that the physical protection program are not sufficient for protecting specified nuclear fuel material, he/she shall not grant the approval set forth in the preceding paragraph.
- (3) When the Minister of METI finds that an amendment in the physical protection program is necessary for protecting specified nuclear fuel material, he/she may order the licensee of refining activity to amend the physical protection program.
- (4) Any licensee of refining activity and his/her employees must observe the physical protection program.
- (5) The licensee of refining activity shall undergo an inspection conducted by the Minister of METI at periodic intervals pursuant to the provision of the Ordinance of METI regarding the compliance with the provision set forth in the preceding paragraph.
- (6) In conducting the inspection set forth in the preceding paragraph, the official designated by the Minister of METI may carry out the matters listed below as specified by the Ordinance of METI:
  - (i) enter the office, factory or place of activity,
  - (ii) inspect books, documents or any other necessary property,
  - (iii) question people concerned, and
  - (iv) request the submission of specified nuclear fuel material or any other necessary samples (limited to the minimum amount necessary for analysis).
- (7) When the official enters pursuant to the provision of item (i) of the preceding paragraph, he/she shall carry an identification card and produce it when requested by people concerned.
- (8) The authority pursuant to the provision of paragraph (6) shall not be construed as one that is authorized for a criminal investigation.

(Physical Protection Manager)



Article 12-3 (1) In the case provided in the provisions of Article 11-2 (1), the licensee of refining activity shall, pursuant to the provision of the Ordinance of METI, appoint a physical protection manager from among persons who satisfy the requirements provided in the Ordinance of METI related to knowledge, etc. of the handling of specified nuclear fuel material, etc., and have this physical protection manager manage activity related to the protection of specified nuclear fuel material in a consistent manner.

(2) When any licensee of refining activity has appointed a physical protection manager pursuant to the provision of the preceding paragraph, the licensee of refining activity shall notify the Minister of METI of the appointment within thirty days of the date of appointment. The same shall apply to the dismissal of the physical protection manager.

(Duties, etc. of the Physical Protection Manager)

Article 12-4 (1) The physical protection manager shall execute his/her duties in good faith.

(2) Any person entering a refining facility shall comply with instructions given by the physical protection manager for the purpose of ensuring the execution of this Act or an order pursuant to this Act or the execution of the provisions of the physical protection program.

(Order to Dismiss the Physical Protection Manager)

Article 12-5 When the physical protection manager has violated this Act or an order pursuant to this Act, the Minister of METI may order the licensee of refining activity to dismiss the physical protection manager.

(Measures Associated with Abolition of the Activity)

Article 12-6 (1) When the licensee of refining activity intends to abolish his/her activity, he shall dismantle the refining facilities, transfer the nuclear fuel material that he/she possesses, eliminate the material contaminated by nuclear fuel material, dispose of material contaminated by nuclear fuel material and take any other measures specified in the Ordinance of METI (hereinafter referred to as "decommissioning" in this Article and the following Article).

(2) When the licensee of refining activity intends to take decommissioning, he/she shall draw up a plan concerning decommissioning (hereinafter referred to as "decommissioning plan" in this Article and the following Article) in advance, pursuant to the provision of the Ordinance of METI, and obtain the approval of the Minister of METI.

(3) When the licensee of refining activity intends to amend the decommissioning plan for which he/she has obtained the approval as set forth in the preceding

paragraph, he/she shall obtain approval from the Minister of METI pursuant to the provision of the Ordinance of METI; provided, however, that this shall not apply to a case where the licensee of refining activity intends to make a minor amendment as specified in the Ordinance of METI.

- (4) When the Minister of METI finds that the decommissioning plan pertaining to the application for approval as set forth in the two preceding paragraphs conforms with the standards provided for in the Ordinance of METI, he/she shall grant approval as set forth in the two preceding paragraphs.
- (5) When the licensee of refining activity has made a minor amendment as provided for by the Ordinance of METI as specified in the proviso of paragraph (3) to the decommissioning plan for which he/she has obtained the approval as set forth in paragraph (2), he/she shall notify the Minister of METI regarding such an amendment.
- (6) The licensee of refining activity shall take decommissioning measures in compliance with the decommissioning plan for which he/she has obtained the approval as set forth in paragraph (2) (modified plan for abolition measures in the case that there has been approval or notification regarding an amendment pursuant to the provision of paragraph (3) or the preceding paragraph.).
- (7) The Minister of METI may order a licensee of refining activity who has taken decommissioning measures that are in violation of the provision set forth in the preceding paragraph to establish measures necessary for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material.
- (8) Upon completion of decommissioning measures, the licensee of refining activity shall obtain confirmation from the Minister of METI regarding whether the results of the measures conform with the standards provided for in the Ordinance of METI.
- (9) When the licensee of refining activity has obtained the confirmation provided for in the preceding paragraph, the designation set forth in Article 3 (1) shall cease to be effective.

(Measures associated with Rescission, etc. of the Designation)

Article 12-7 (1) When the licensee of refining activity has his/her designation rescinded pursuant to the provision of Article 10, or when the licensee of refining activity has dissolved or died, and there is no inheritance pursuant to the provision of Article 8 (1) or Article 9 (1), the former licensee of refining activity, etc. (a person who controls the inherited property in lieu of the liquidator, bankruptcy trustee or heir when the licensee of refining activity has his/her designation rescinded pursuant to the provision of Article 10 or when the licensee of refining activity has dissolved or died, and there is no inheritance pursuant to the provision of Article 8 (1) or Article 9 (1); the same

shall apply hereinafter) shall be deemed to be the licensee of refining activity regarding the application of the provisions of Article 11 to Article 12-5 (including penal provisions pertaining to these provisions) for the period until the confirmation as provided for in paragraph (9) is obtained.

- (2) Pursuant to the provision of the Ordinance of METI, the former licensee of refining activity, etc. shall draw up a plan for decommissioning measures and apply for approval from the Minister of METI within the period provided for in the Ordinance of METI from the date that his/her designation as a refining licensee of activity was rescinded pursuant to the provision of Article 10 or the date of dissolution or death of the licensee of refining activity.
- (3) The former licensee of refining activity, etc. shall not take decommissioning measures for the period until he/she obtains the approval set forth in the preceding paragraph.
- (4) When the former licensee of refining activity, etc. intends to amend the decommissioning plan for which permission has been obtained as provided for by paragraph (2), he/she shall obtain the approval of the Minister of METI pursuant to the provision of the Ordinance of METI; provided, however, that this shall not apply to minor amendment specified by the Ordinance of METI.
- (5) When the Minister of METI finds that the decommissioning plan pertaining to application for approval as set forth in paragraph (2) and the preceding paragraph conforms with the standards specified by the Ordinance of METI as provided for by paragraph (4) in the preceding Article, he/she shall grant the approval as provided for by paragraph (2) and the preceding paragraph.
- (6) When the former licensee of refining activity, etc. has made a minor amendment as provided for by the Ordinance of METI in the proviso of paragraph (4) to a decommissioning plan for which the approval specified in paragraph (2) has been obtained, he/she shall notify the Minister of METI of this minor change.
- (7) The former licensee of refining activity, etc. shall take decommissioning measures in compliance with the decommissioning plan for which the approval specified in paragraph (2) has been obtained (modified decommissioning plan in the case that there has been approval or notification regarding a change pursuant to the provision of paragraph (4) or the preceding paragraph).
- (8) The Minister of METI may order any licensee of former refining activity, etc. who has taken decommissioning measures that are in violation of the provision set forth in the preceding paragraph to establish measures necessary for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material.
- (9) Upon completion of decommissioning measures, the former licensee of refining activity, etc. shall obtain confirmation from the Minister of METI regarding whether the results of the measures conform with the standards

provided for in the Ordinance of METI as specified by paragraph (8) of the preceding Article.

### **Chapter III Regulations Concerning Fabrication and Enrichment Activity**

(Permission for the Activity)

Article 13 (1) Any person who intends to carry out a fabrication or enrichment activity shall obtain the permission of the Minister of METI, pursuant to provision of a Cabinet Order.

(2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit to the Minister of METI an application form containing the following matters:

- (i) its name and address and, in the case of a juridical person, the name of its representative,
- (ii) the name and the address of the factory or the place of activity where fabricating or enrichment equipment and auxiliary facilities (hereinafter referred to as "fuel facilities") are to be installed,
- (iii) the location, structure and equipment of the fuel facilities and the method of fabricating or enrichment, and
- (iv) a construction plan for the fuel facilities.

(Criteria for the Permission)

Article 14 (1) When an application for the permission set forth in paragraph (1) of the preceding Article is made, the Minister of METI shall not grant permission unless he/she finds that the application conforms with each of the following items:

- (i) that to grant the permission will not make the fabricating or enrichment capacity unduly excessive,
- (ii) that the applicant has sufficient technical capability and financial basis sufficient for executing the activity competently, and
- (iii) that the location, structure and equipment of the fuel facilities are such that they will not hinder the prevention of disasters resulting from nuclear fuel material.

(2) In granting the permission set forth in paragraph (1) of the preceding Article, the Minister of METI shall hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of criteria provided for in items (i) and (ii) of the preceding paragraph (limited to the portion pertaining to financial basis only) and the opinion of the Nuclear Safety Commission with respect to the application of criteria provided for in item (ii) (limited to the portion pertaining to technical capability only) and item (iii) of the preceding paragraph.

(Ineligibility for Permission)

Article 15 No person who falls under any of the following items shall be granted the permission under Article 13 (1):

- (i) a person whose permission under Article 13 (1) has been rescinded, pursuant to the provision of Article 20 (2), and for whom two years have not yet elapsed from the day of rescission,
- (ii) a person who has been sentenced to a penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended,
- (iii) an adult ward, or
- (iv) a juridical person any of whose executive officials falls under any of the three preceding items.

(Permission for and Notification of Changes)

Article 16 (1) When a person who has obtained the permission set forth in Article 13 (1) (hereinafter referred to as "licensee of fabricating or enrichment activity") intends to amend any matter provided for in item (ii) or (iii) of paragraph (2) of said Article, he/she shall obtain the permission of the Minister of METI, pursuant to the provision of the Cabinet Order; provided, however, that this shall not apply to amendment, from among the matters listed in item (ii) of said paragraph, only the name of the factory or the place of activity.

(2) When a licensee of fabricating or enrichment activity has amended any matter provided for in item (i) or (iv) of Article 13 (2), except the case prescribed in Article 19 (1), he/she shall notify the Minister of METI of the change within thirty days from the day that the amendment was made. The same shall apply to amendment made to, from among the matters listed in item (ii) of said paragraph, only the name of the factory or the place of activity.

(3) The provision of Article 14 shall apply mutatis mutandis to the permission provided for in paragraph (1).

(Approval of the Design and Construction Method)

Article 16-2 (1) The licensee of fabricating or enrichment activity shall, pursuant to the provision of the Ordinance of METI, obtain the approval of the Minister of METI with respect to the design and construction method of the fuel facilities (except for welding methods pertaining to the fuel facilities provided in Article 16-4 (1) that are to be welded; hereinafter the same shall apply in this Article) before commencing construction work on the fuel facilities. The same shall also apply when making modifications to fuel facilities.

(2) When any licensee of fabricating or enrichment activity intends to amend the

design and construction method related to a fuel facility for which the approval set forth in the preceding paragraph has been obtained, he/she shall obtain the approval of the Minister of METI pursuant to the provision of the Ordinance of METI; provided, however, that this shall not apply to a minor amendment as provided for by the Ordinance of METI.

(3) When the Minister of METI finds that the design and construction method pertaining to the application for approval set forth in the two preceding paragraphs conforms with the following items, he/she shall grant the approval set forth in the two preceding paragraphs:

(i) that the permission set forth in Article 13 (1) or paragraph (1) of the preceding Article has been obtained for the design and construction method, or an application for permission has been submitted pursuant to the provision of paragraph (2) of said Article, and

(ii) that the design and construction method conform with the technical standards prescribed by the Ordinance of METI.

(4) When any licensee of fabricating or enrichment activity has made a minor amendment to the design and construction method, as provided for by the Ordinance of METI under the proviso of paragraph (2), concerning a fuel facility for which the approval set forth in paragraph (1) has been obtained, he/she shall notify the Minister of METI of the minor amendment.

(Pre-service Inspection)

Article 16-3 (1) Any licensee of fabricating or enrichment activity shall subject his/her fuel facilities to an inspection concerning their construction work (except for the fuel facilities provided in paragraph (1) of the following Article on which welding is to be performed; hereinafter the same shall apply in the following paragraph) and performance by the Minister of METI, pursuant to the provision of the Ordinance of METI, and shall not use the fuel facilities until after the fuel facilities have passed the inspection. The same shall apply to fuel facilities when modifications are made to such fuel facilities.

(2) The inspection set forth in the preceding paragraph shall be considered as passing when the fuel facilities conform with each of the following items:

(i) that the construction work of the fuel facilities has been conducted in compliance with the design and method for which the permission set forth in paragraph (1) of the preceding Article (or modified design and method in the case that there has been permission or notification regarding an amendment pursuant to the provision of paragraph (2) or (4) or said Article) has been obtained, and

(ii) that their performance conforms with the technical standards prescribed by the Ordinance of METI.

(3) The Minister of METI shall make the Incorporated Administrative Agency

Japan Nuclear Energy Safety Organization (hereinafter referred to as "JNES") conduct part of the affairs pertaining to the inspection set forth in paragraph (1), pursuant to the provision of the Ordinance of METI.

- (4) When the JNES has conducted part of the affairs pertaining to the inspection pursuant to the provision of the preceding paragraph, they shall, without delay, notify the Minister of METI of the results pursuant to the provision of the Ordinance of METI.

(Welding Method and Inspection)

Article 16-4 (1) Any container used for heating uranium hexafluoride and other fuel facilities specified by the Ordinance of METI that are to be welded shall be inspected by the Minister of METI when welding is to be performed, pursuant to the provision of the Ordinance of METI, and the licensee of fabricating or enrichment activity shall not use the fabricating facilities until after they have passed the inspection; provided, however, that this shall not apply to the case specified in paragraph (4) and cases specified by the Ordinance of METI.

(2) Any person who intends to undergo the inspection set forth in the preceding paragraph shall obtain approval from the Minister of METI concerning the method of welding, pursuant to the provision of the Ordinance of METI.

(3) The inspection set forth in paragraph (1) shall be considered as passing when welding conforms with each of the following items:

- (i) welding is being carried out in compliance with the method for which the permission set forth in the preceding paragraph has been obtained, and
- (ii) welding conforms with the technical standards prescribed by the Ordinance of METI.

(4) Fuel facilities involving welding provided in paragraph (1) that have also been imported shall be inspected by the Minister of METI concerning the welding pursuant to the provision of the Ordinance of METI, and the licensee of fabricating or enrichment activity shall not use the fuel facilities until after they have passed the inspection.

(5) The inspection set forth in the preceding paragraph shall be considered as passing when the welding conforms with the technical standards specified in item (ii) of paragraph (3).

(Facility Periodic Inspection)

Article 16-5 (1) Any licensee of fabricating or enrichment activity shall, pursuant to the provision of the Ordinance of METI, undergo an annual inspection by the Minister of METI concerning the performance of the fuel facilities specified by Cabinet Order; provided, however, that this shall not apply to the case where the approval set forth in Article 22-8 (2) has been obtained (except for the cases specified by the Ordinance of METI).

- (2) The inspection set forth in the preceding paragraph shall be conducted with regard to whether the performance of the fuel facilities conforms with the technical standards specified in the Ordinance of METI.
- (3) The Minister of METI shall make the JNES conduct part of the affairs pertaining to the inspection set forth in paragraph (1), pursuant to the provision of the Ordinance of METI.
- (4) When the JNES has conducted part of the affairs pertaining to the inspection pursuant to the provision of the preceding paragraph, they shall, without delay, notify the Minister of METI of the results pursuant to the provision of the Ordinance of METI.

(Notification of Commencement of Activity, etc.)

Article 17 When a licensee of fabricating or enrichment activity has commenced, suspended or restarted the activity, he/she shall notify the Minister of METI within fifteen days from the day concerned.

(Merger)

- Article 18 (1) In the case of a merger of juridical persons who are licensee of fabricating or enrichment activity (except in the case of a merger of a juridical person who is a licensee of fabricating or enrichment activity and a juridical person who is not a licensee of fabricating or enrichment activity, and where the juridical person who is the licensee of fabricating or enrichment activity continues to exist), when the approval of the Minister of METI has been obtained for the merger, the juridical person who is to continue to exist after the merger, or the juridical person who has been established by the merger shall succeed the status of licensee of fabricating or enrichment activity.
- (2) The provisions of item (ii) of Article 14 (1), paragraph (2) of said Article, and Article 15 shall 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 fabricating or enrichment activity, the inheritor shall succeed the status of the licensee of fabricating or enrichment activity.
- (2) The inheritor who has succeeded the status of the licensee of fabricating or enrichment activity pursuant to the provision set forth in the preceding paragraph shall notify the Minister of METI of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of the Permission)

Article 20 (1) When a licensee of fabricating or enrichment activity fails to



commence his/her activity within the period provided for in the Ordinance of METI, or suspends his/her activity for more than one year continuously, without a justifiable grounds, the Minister of METI may rescind the permission set forth in Article 13 (1).

- (2) When a licensee of fabricating or enrichment activity falls under any of the following items, the Minister of METI may rescind the permission set forth in Article 13 (1), or specify a period not exceeding one year and order suspension of the activity for that period:
- (i) when a licensee of fabricating or enrichment activity falls under one of items (ii) to (iv) of Article 15,
  - (ii) when he/she has changed a matter for which he/she should have obtained permission pursuant to the provision of Article 16 (1), without permission,
  - (iii) when he/she has violated an order pursuant to the provision of Article 21-3,
  - (iv) when he/she has violated the provision of Article 22 (1) or (4), or an order pursuant to the provision of paragraph (3) of said Article,
  - (v) when he/she has violated an order pursuant to the provision of Article 22-5,
  - (vi) when he/she has violated the provision of Article 22-6 (1),
  - (vii) when he/she has violated an order pursuant to the provision of Article 12-2 (3) as applied mutatis mutandis pursuant to Article 22-6 (2),
  - (viii) When he/she has violated the provision of Article 12-2 (4) as applied mutatis mutandis pursuant to Article 22-6 (2),
  - (ix) when he/she has violated the provision of Article 22-7 (1),
  - (x) when he/she has violated an order pursuant to the provision of Article 12-5 as applied mutatis mutandis pursuant to Article 22-7 (2),
  - (xi) when he/she has violated the provision of Article 22-8 (1) and has abolished his/her fabricating or enrichment activity,
  - (xii) when he/she has violated the provision of Article 22-8 (2),
  - (xiii) when he/she has violated the provision of Article 58 (2), or has violated an order pursuant to the provision of paragraph (3) of said Article,
  - (xiv) when he/she has violated the provision of Article 59 (2), or has violated an order pursuant to the provision of paragraph (4) of said Article,
  - (xv) when he/she has violated the provision of Article 59-2 (2),
  - (xvi) when he/she has violated the provision of Article 61-8 (1) or (4), or has violated an order pursuant to the provision of paragraph (3) of said Article,
  - (xvii) when he/she has violated the conditions of Article 62-2 (1) or (2),
  - (xviii) when he/she has violated the provision of Article 6 of the Act on Compensation for Nuclear Damage (Act No. 147 of 1961), or
  - (xix) when he/she has violated the provision of Article 7 (4), Article 8 (5), Article 9 (7) or Article 11 (6) of the Act on Special Law of Nuclear Emergency Preparedness (Act No. 156 of 1999).

(Records)

Article 21 Pursuant to the provision of the Ordinance of METI, the licensee of fabricating or enrichment activity shall record the matters specified in the Ordinance of METI concerning the implementation of the fabricating or enrichment activity, and keep this record at the factory or the place of activity.

(Measures To Be Taken for Operational Safety and the Protection of Specified Nuclear Fuel Material)

Article 21-2 (1) Any licensee of fabricating or enrichment activity shall, pursuant to the provision of the Ordinance of METI, take necessary operational safety measures concerning the following matters:

- (i) maintenance etc. of fuel facilities,
- (ii) operation of fabricating or enrichment equipment, and
- (iii) shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material (shipment and disposal shall be limited to the premises of the factory or the place of activity where the fuel facilities have been installed; the same shall apply to the following Article).

(2) Any licensee of fabricating or enrichment activity who handles specified nuclear fuel material at a factory or a place of activity where the fabricating fuel facilities have been installed shall, if provided for by Cabinet Order, take protection measures pursuant to the provision of the Ordinance of METI.

(Suspension, etc. of the Use of Facilities)

Article 21-3 (1) When the Minister of METI finds that the performance of the fuel facilities does not conform with the technical standards set forth in Article 16-5 (2), or that the measures pertaining to the maintenance etc. of the fuel facilities, the operation of fabricating or enrichment equipment, or the shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provision of the Ordinance of METI pursuant to the provision of paragraph (1) of the preceding Article, he/she may order the licensee of fabricating or enrichment activity to suspend, remodel, repair or change the location of the fuel facilities, designate a method for operation fabrication or enrichment equipment or order any other necessary operational safety measures to be taken.

(2) When the Minister of METI finds that the protection measures are in violation of the provision of the Ordinance of METI pursuant to the provision of paragraph (2) of the preceding Article, he/she may order the licensee of fabricating or enrichment activity to take corrective measures, etc.

(Operational Safety Programs)

Article 22 (1) Any licensee of fabricating or enrichment activity shall, pursuant

to the provision of the Ordinance of METI, specify operational safety programs (including rules concerning education on operational safety related to the handling of nuclear fuel material; hereinafter the same shall apply in this Article) before commencing activity and obtain approval from the Minister of METI. The same shall apply when the licensee of fabricating or enrichment activity intends to make amendment to such program.

- (2) When the Minister of METI finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material, he/she shall not grant the approval set forth in the preceding paragraph.
- (3) When the Minister of METI finds that the operational safety programs need to be amended for preventing disasters resulting from nuclear fuel material, he/she may order the licensee of fabricating or enrichment activity to amend the operational safety programs.
- (4) Any licensee of fabricating or enrichment activity and his/her employees shall observe the operational safety programs.
- (5) Any licensee of fabricating or enrichment activity shall, pursuant to the provision of the Ordinance of METI, undergo a periodic inspection conducted by the Minister of METI regarding the compliance with the provision set forth in the preceding paragraph.
- (6) The provisions of Article 12 (6) to (8) shall apply mutatis mutandis to the inspection set forth in the preceding paragraph. In this case, the term "preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 22 (5)."

(Chief Engineer of Nuclear Fuel)

- Article 22-2 (1) Any licensee of fabricating or enrichment activity shall, as provided for by the Ordinance of METI, appoint a chief engineer of nuclear fuel from among the persons who are certified chief engineers of nuclear fuel as set forth in paragraph (1) of the following Article, and have this person supervise operational safety concerning the handling of nuclear fuel material.
- (2) When any licensee of fabricating or enrichment activity has appointed a chief engineer of nuclear fuel pursuant to the provision of the preceding paragraph, the licensee of fabricating or enrichment activity shall notify the Minister of METI of the appointment within thirty days from the day of the appointment. The same shall apply to the dismissal of the chief engineer of nuclear fuel.

(Certification for Chief Engineer of Nuclear Fuel)

- Article 22-3 (1) The Minister of METI shall issue a certification for chief engineer of nuclear fuel to the person who falls under any of the following items:
- (i) a person who has passed the examination for chief engineer of nuclear fuel

- conducted by the Minister of METI, or
- (ii) a person whom the Minister of METI finds, pursuant to the provision of the Cabinet Order, to possess knowledge and experience related to the operation of nuclear fuel material equal to or more than those of the persons listed in the preceding item.
- (2) The Minister of METI may, to any person who falls under any of the following items, not issue a certification for chief engineer of nuclear fuel:
- (i) a person who has been ordered to return his/her certification for chief engineer of nuclear fuel pursuant to the provision of the following paragraph, and for whom one year has not yet elapsed from the day he/she was ordered to return his/her license, or
  - (ii) a person who has been sentenced to a penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended.
- (3) When a person who has been issued a certification for chief engineer of nuclear fuel has violated the provisions of this Act or an order pursuant to this Act, the Minister of METI may order him/her to return his/her license.
- (4) The subjects, procedures and other details of the examination for chief engineer of nuclear fuel set forth in item (i) of paragraph (1), and the procedure for issuing and returning the certification for chief engineer of nuclear fuel shall be specified in the Ordinance of METI.

(Duties, etc. of the Chief Engineer of Nuclear Fuel)

Article 22-4 (1) The chief engineer of nuclear fuel shall execute his/her duties related to the handling of nuclear fuel material in the fabricating or enrichment activity in good faith.

- (2) Any person who is engaged in the handling of nuclear fuel material in the fabricating or enrichment activity shall comply with the instructions for safe handling of such 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 pursuant to this Act, the Minister of METI may order any licensee of fabricating or enrichment activity to dismiss the chief engineer of nuclear fuel.

(Physical Protection Program)

Article 22-6 (1) In the case where the provision of Article 21-2 (2) is applicable, the licensee of fabricating or enrichment activity shall, as provided for by the

Ordinance of METI, specify physical protection program and obtain the approval of the Minister of METI before commencing the operation of specified nuclear material. The same shall also apply when changes are made to such program.

- (2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection program set forth in the preceding paragraph, and the provisions of paragraphs (6) to (8) of said Article shall apply mutatis mutandis to the inspection set forth in paragraph (5) of said Article as applied mutatis mutandis pursuant to this paragraph. In this case, the term "preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 22-6 (1)," and the term "refining licensee of activity operator" in the provisions of paragraphs (3) to (5) of said Article shall be deemed to be replaced with "licensee of fabricating or enrichment activity."

(Physical Protection Manager)

Article 22-7 (1) In the case that the provision of Article 21-2 (2) is applicable, the licensee of fabricating or enrichment activity shall, pursuant to the provision of the Ordinance of METI, appoint a physical protection manager, from among persons who satisfy the requirements provided in the Ordinance of METI related to knowledge, etc. of the operation of specified nuclear fuel material, etc., and have this physical protection manager manage activity related to the protection of specified nuclear fuel material in a consistent manner.

- (2) The provisions of Article 12-3 (2), Article 12-4 and Article 12-5 shall apply mutatis mutandis to the physical protection manager set forth in the preceding paragraph. In this case, the term "licensee of refining activity" in these provisions shall be deemed to be replaced with "licensee of fabricating or enrichment activity," and the term "refining facilities" shall be deemed to be replaced with "fuel facilities."

(Measures Associated with Abolition of the Activity)

Article 22-8 (1) When the licensee of fabricating or enrichment activity intends to abolish his/her activity, he/she shall dismantle the fuel facilities, transfer the nuclear fuel material that he/she possesses, eliminate the contamination caused by nuclear fuel material, dispose of the material contaminated by nuclear fuel material and take any other measures specified in the Ordinance of METI (hereinafter referred to as "decommissioning" in this Article and the following Article).

- (2) When the licensee of fabricating or enrichment activity intends to take decommissioning measures, he/she shall draw up a plan concerning decommissioning (hereinafter referred to as "decommissioning plan" in the following Article) in advance, pursuant to the provision of the Ordinance of

METI, and obtain the approval of the Minister of METI.

- (3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the abolition measures of the licensee of fabricating or enrichment activity. In this case, the term "preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 22-8 (2)"; the term "two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 22-8 (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of said Article shall be deemed to be replaced with "Article 22-8 (2)"; and the term "designation set forth in Article 3 (1)" in paragraph (9) of said Article shall be deemed to be replaced with "permission set forth in Article 13 (1)."

(Measures Associated with Rescission, etc. of the Permission)

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

- (2) Pursuant to the provision of the Ordinance of METI, the former licensee of fabricating or enrichment activity, etc. shall draw up a decommissioning plan and apply for approval from the Minister of METI within the period provided for in the Ordinance of METI from the date that his/her permission as a licensee of fabricating or enrichment activity was rescinded pursuant to the provision of Article 20 or the date of dissolution or death of the licensee of fabricating or enrichment activity.
- (3) The former licensee of fabricating or enrichment activity, etc. shall not take decommissioning measures for the period until he/she obtains the approval set forth in the preceding paragraph.
- (4) In the case that the former licensee of fabricating or enrichment activity, etc. who shall be deemed as the licensee of fabricating or enrichment activity

pursuant to the provision of paragraph (1) has obtained the approval set forth in paragraph (2) (excluding cases specified by the Ordinance of METI), the provision of Article 16-5 shall not apply.

- (5) The provisions of Article 12-7 (4) to (9) shall apply mutatis mutandis to decommissioning measures of former licensee of fabricating or enrichment activity, etc. In this case, the term "paragraph (2)" in these provisions shall be deemed to be replaced with "Article 22-9 (2)"; the term "paragraph (4) of the preceding Article" in paragraph (5) of said Article shall be deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 22-8 (3)"; and the term "paragraph (8) of the preceding Article" in paragraph (9) of said Article shall be deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 22-8 (3)."

#### **Chapter IV Regulations Concerning the Installment, Operation, Etc. of Reactors**

(Installment license)

- Article 23 (1) Any person who intends to install a reactor shall, in accordance with the classifications of reactors listed in the following items, obtain the permission of the Minister prescribed respectively in those items, pursuant to the provision of the Cabinet Order.
- (i) Nuclear reactors for providing electric power generation (excluding those that fall under any of items (ii) to (iv) below; hereinafter referred to as "commercial power reactors"): Minister of METI
  - (ii) Nuclear reactors that are installed on vessels (excluding those that fall under items (iv) or (v); hereinafter referred to as "commercial marine reactors"): Minister of Land, Infrastructure and Shipment (hereinafter referred to as "Minister of MLIT")
  - (iii) Nuclear reactors for providing research and test (excluding those that fall under the preceding item, the following item or item (v)): Minister of MEXT
  - (iv) Nuclear reactors for providing electric power generation that are specified by Cabinet Order as reactors in the stage of research and development: Minister of METI
  - (v) Nuclear reactors other than those for providing electric power generation that are specified by Cabinet Order as reactors in the stage of research and development: Minister of MEXT
- (2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit an application form containing the following matters to the competent minister (the minister prescribed respectively in those items in accordance with the classification of nuclear reactors listed in items of the

preceding paragraph; hereinafter the same shall apply in this Chapter):

- (i) the name and address of the applicant and, in the case of a juridical person, the name of its representative,
  - (ii) the purpose for which the reactors are to be used,
  - (iii) the type, thermal output and number of reactors,
  - (iv) the name and address of the factory or place of activity where the reactors are to be installed (in the case that the reactors are to be installed on a vessel, the name and address of the factory or place of activity of the shipbuilder who is to build the vessel and the address of the vessel when performing construction for installing the reactors),
  - (v) the location, structure and equipment of the reactors and auxiliary facilities (hereinafter referred to as "reactor facilities"),
  - (vi) the construction plan for reactor facilities,
  - (vii) the type and amount scheduled for annual use of nuclear fuel material to be used as fuel for the reactors, and
  - (viii) the method for disposing of spent fuel.
- (3) When the Minister of MEXT, the Minister of METI and the Minister of MLIT intend to plan to enact, revise or abolish the Cabinet Order set forth in items (iv) and (v) of paragraph (1), they shall hear, in advance, the opinion of the Atomic Energy Commission and the Nuclear Safety Commission.

(Permission pertaining to Reactors Installed on Foreign Nuclear Vessels)

Article 23-2 (1) Any person other than one who possesses Japanese nationality, a juridical person established in accordance with Japanese laws and regulations or any other organization (excluding a person who has obtained the permission set forth in paragraph (1) of the preceding Article (hereinafter referred to as "licensee of reactor operation")) who intends to put a vessel equipped with reactors (hereinafter referred to as "nuclear vessel") (excluding war vessels; hereinafter referred to as "foreign nuclear vessels") that he/she owns into the water areas of Japan shall, pursuant to the provision of the Cabinet Order, obtain the permission of the Minister of MLIT to maintain reactors in Japan in association with placing such foreign nuclear vessels in the water areas of Japan.

- (2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit an application form containing the following matters:
- (i) the name of the vessel, and
  - (ii) the matters listed in items (i) to (iii) and in items (v) and (viii) of paragraph (2) 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 (1) is made, the competent minister shall not grant the permission in said paragraph unless he/she finds that the application conforms with each of the following items:

- (i) that the reactors will not be utilized for non-peaceful purposes,
  - (ii) that granting the permission will not hinder the planned development and utilization of atomic energy,
  - (iii) that the applicant (including the shipbuilder who constructs the vessel in the case that reactors are to be installed on a vessel) has sufficient technical capability and financial basis necessary for establishment of reactors, and has sufficient technical capability for operating the reactors competently, and
  - (iv) that the location, structure and equipment of the reactor facilities are such that they will not hinder the prevention of disasters resulting from nuclear fuel material (including spent fuel; the same shall apply hereinafter), material contaminated by nuclear fuel material (including fission products; the same shall apply hereinafter) or the reactors.
- (2) In granting the permission set forth in Article 23 (1), the competent minister shall hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria provided in items (i), (ii) and (iii) of the preceding paragraph (limited to the portion pertaining to financial basis only), and the opinion of the Nuclear Safety Commission with respect to the application of the criteria provided in item (iii) (limited to the portion pertaining to technical capability only) and item (iv) of said paragraph.

Article 24-2 (1) In the case that an application for the permission set forth in Article 23-2 (1) is made, the Minister of MLIT shall not grant the permission set forth in Article 23-2 (1) unless he/she finds that the application conforms with the matters listed in items (i), (iii) (limited to the portion pertaining to operation of the reactors only) and (iv) in paragraph (1) of the preceding Article.

(2) The provision of paragraph (2) of the preceding Article shall apply mutatis mutandis to the permission set forth in Article 23-2 (1).

(Ineligibility for the Permission)

Article 25 Any person who falls under any of the following items shall not be granted the permission set forth in Article 23 (1) or Article 23-2 (1):

- (i) a person whose permission set forth in Article 23 (1) or Article 23-2 (1) has been rescinded pursuant to the provision of Article 33 (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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was

- executed or suspended.
- (iii) an adult ward, or
  - (iv) a juridical person any of whose executive officials falls under any of the three preceding items.

(Permission for and Notification, etc. of Changes)

- Article 26 (1) When any licensee of reactor operation intends to change any matter provided for in items (ii) to (v), or item (viii) of Article 23 (2), he/she shall obtain the permission of the competent minister, pursuant to the provision of the Cabinet Order; provided, however, that this shall not apply to changing, from among the matters listed in item (iv) of said paragraph, only the name of the factory or the place of activity.
- (2) When a licensee of reactor operation has amended any matter provided for in item (i), (vi) or (vii) of Article 23 (2), except the case provided for in Article 32 (1), he/she shall notify the competent minister of the amendment within thirty days from the day that the amendment was made. The same shall apply to amendments made to, from among the matters listed in item (iv) of said paragraph, only the name of the factory or the place of activity.
- (3) In a case where the reactors listed in item (iv) or (v) of Article 23 (1) are installed on a vessel, and when the registration of the vessel set forth in Article 5 (1) of the Ship Act (Act No. 46 of 1899) has been carried out, the reactor establisher shall notify the Minister of METI or the Minister of MEXT of the name of the vessel within thirty days from the day of the registration. The same shall apply when amendments are made to this name.
- (4) The provision of Article 24 shall 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 (1) (hereinafter referred to as "operator of a foreign nuclear vessel") intends to amend the matter listed in item (ii) of paragraph (2) of said Article in Japan (excluding cases where the provision of the following paragraph is applicable), or intends to place a foreign nuclear vessel in the water areas of Japan after having amended these matters outside of Japan, he/she shall obtain the permission of the Minister of MLIT with respect to such amendments and the maintenance of the reactors pertaining to the amendments in Japan, pursuant to the provision of the Cabinet Order.
- (2) When the operator of a foreign nuclear vessel has amended the matters specified in item (i) of Article 23-2 (2) in Japan, or a matter in item (ii) of said paragraph that pertains only to item (i) of Article 23 (2), he/she shall notify, without delay, the Minister of MLIT of such amendments. The same shall apply when a foreign nuclear vessel enters the water areas of Japan after

amending only these matters outside of Japan.

- (3) The provision of Article 24-2 shall apply mutatis mutandis to the permission set forth in paragraph (1).

(Approval of the Design and Construction Method)

Article 27 (1) Any licensee of reactor operation shall, pursuant to the provision of the Ordinance of the competent ministry (order issued by the competent minister; hereinafter the same shall apply in this Chapter) obtain the approval of the competent minister with respect to the design and construction method of the reactor facilities (except for welding methods pertaining to reactor facilities provided in Article 28-2 (1) that are to be welded; hereinafter the same shall apply in this Article) before commencing construction work on the reactor facilities. The same shall also apply when making modifications to the reactor facilities.

- (2) When any licensee of reactor operation intends to amend the design and construction method related to a reactor facility for which the approval set forth in the preceding paragraph has been obtained, he/she shall obtain approval from the competent minister pursuant to the provision of the Ordinance of the competent ministry; provided, however, that this shall not apply to a minor amendment as provided for by the Ordinance of the competent ministry.

- (3) When the competent minister finds that the design and construction method pertaining to the application for the approval set forth in the two preceding paragraphs conform with the following items, he/she shall grant the approval set forth in the two preceding paragraphs:

(i) the design and construction method have been granted the permission set forth in Article 23 (1) or Article 26 (1), or an application for approval has been submitted pursuant to the provision of paragraph (2) of said Article, and

(ii) the design and construction method conform with the technical standards prescribed by the Ordinance of the competent ministry.

- (4) When any licensee of reactor operation has made a minor amendment to the design and construction method of a reactor facility for which the approval set forth in paragraph (1) has been obtained, he/she shall notify the competent minister of the minor amendment, pursuant to the provision of the Ordinance of the competent ministry under the proviso of paragraph (2).

(Pre-operational Inspection)

Article 28 (1) Any licensee of reactor operation shall subject his/her reactor facilities to an inspection concerning their construction work (except for the reactor facilities provided for in paragraph (1) of the following Article on which

welding is to be performed; hereinafter the same shall apply in the following paragraph) and performance by the competent minister, as pursuant to the provision of the Ordinance of the competent ministry, and shall not use the reactor facilities until after the reactor facilities have passed the inspection. The same shall apply to reactor facilities when modifications are made to such reactor facilities.

- (2) The inspection set forth in the preceding paragraph shall be considered as passing when the reactor facilities conform with each of the following items:
  - (i) that the construction work has been carried out in compliance with the design and method for which the approval set forth in paragraph (1) of the preceding Article (or modified design and method in the case that there has been approval or notification regarding an amendment pursuant to the provision of paragraph (2) or paragraph (4) of said Article) has been obtained, and
  - (ii) that their performance conforms with the technical standards prescribed by the Ordinance of the competent ministry.
- (3) The provisions of Article 16-3 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1) (limited to commercial power reactors and the reactors listed in item (iv) of Article 23 (1)).

(Welding Method and Inspection)

Article 28-2 (1) Any reactor container and other reactor facilities specified by the Ordinance of the competent ministry that are to be welded shall be inspected by the competent minister with respect to the welding, pursuant to the Ordinance of the competent ministry, and the reactor establisher may not use such containers or reactor facilities until after they have passed the inspection; provided, however, that this shall not apply to the case specified in paragraph (4) and cases specified by the Ordinance of the competent ministry.

- (2) A person who intends to undergo the inspection set forth in the preceding paragraph shall obtain approval from the competent minister concerning the method of welding, pursuant to the provision of the Ordinance of the competent ministry.
- (3) The inspection set forth in paragraph (1) shall be considered as passing when welding conforms with each of the following items:
  - (i) welding is being carried out in compliance with the method for which the approval set forth in the preceding paragraph has been obtained, and
  - (ii) welding conforms with the technical standards prescribed by the Ordinance of the competent ministry.
- (4) Reactor facilities involving welding provided in paragraph (1) that have also been imported shall be inspected by the competent minister concerning the welding pursuant to the provision of the Ordinance of the competent ministry,

and the reactor establisher shall not use the reactor facilities until after they have passed the inspection.

- (5) The inspection set forth in the preceding paragraph shall be considered as passing when the welding conforms with the technical standards specified in item (ii) of paragraph (3).

(Facility Periodic Inspection)

Article 29 (1) Any reactor establisher shall, pursuant to the provision of the Ordinance of the competent ministry, undergo an annual inspection by the competent minister concerning the performance of the reactor facilities specified by Cabinet Order; provided, however, that this shall not apply to the case where the approval set forth in Article 43-3-2 (2) has been obtained, unless otherwise provided for by the Ordinance of the competent ministry.

- (2) The inspection set forth in the preceding paragraph shall be conducted with regard to whether the performance of the reactor facilities conforms with the technical standards specified in the Ordinance of the competent ministry.

(3) The provisions of Article 16-5 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1) (limited to commercial power-generation reactors and the reactors listed in item (iv) of Article 23 (1)).

(Operation Plan)

Article 30 Any licensee of reactor operation shall, pursuant to the Ordinance of the competent ministry (Ordinance of the Ministry of Education, Culture, Sports, Science and Technology (hereinafter referred to as "Ordinance of MEXT") and Ordinance of METI with respect to the reactors listed in item (iii) of Article 23 (1) that are to be used for electric power generation; Ordinance of METI and Ordinance of the Ministry of Land, Infrastructure and Transport (hereinafter referred to as "Ordinance of MLIT") with respect to the reactors listed in item (iv) of said paragraph that are to be installed on a vessel; Ordinance of MEXT and Ordinance of MLIT with respect to the reactors listed in item (v) of said paragraph that are to be installed on a vessel), establish an operation plan for the reactors pertaining to their installation (except for the reactors that fall under those provided for by Cabinet Order) and notify the competent minister (Minister of MEXT and Minister of METI with respect to the reactors listed in item (iii) of said paragraph that are to be used for electric power generation; Minister of METI and Minister of MLIT with respect to the reactors listed in item (iv) of said paragraph that are to be installed on a vessel; Minister of MEXT and Minister of MLIT with respect to the reactors listed in item (v) of said paragraph that are to be installed on a vessel) of the plan. The same shall apply when changes are made to such plans; provided, however, that this shall not apply to the reactors for which the approval set

forth in Article 43-3-2 (2) has been obtained.

(Merger)

- Article 31 (1) In the case of a merger of juridical persons who are licensee of reactor operation (except in the case of a merger of a juridical person who is a licensee of reactor operation and a juridical person who is not a licensee of reactor operation, and where the juridical person who is the licensee of reactor operation continues to exist), when the approval of the competent minister has been obtained for the merger, the juridical person who is to continue to exist after the merger, or the juridical person who has been established by the merger shall succeed the status of licensee of reactor operation.
- (2) The provisions of items (i) to (iii) of Article 24 (1), paragraph (2) of said Article and Article 25 shall 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 reactor operation, the inheritor shall succeed the status of the licensee of reactor operation.
- (2) The inheritor who has succeeded the status of the licensee of reactor operation pursuant to the provision set forth in the preceding paragraph shall notify the competent minister of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of the Permission)

- Article 33 (1) When a licensee of reactor operation fails to commence operation of his/her reactors within the period provided for in the Ordinance of the competent ministry, or suspends operation for more than one year continuously, without a justifiable reason, the competent minister may rescind the permission set forth in Article 23 (1).
- (2) When a licensee of reactor operation falls under any of the following items, the competent minister may rescind the permission set forth in Article 23 (1), or specify a period not exceeding a year and order suspension of operation for that period:
- (i) when a licensee of reactor operation falls under one of items (ii) to (iv) of Article 25,
  - (ii) when he/she has changed a matter for which he/she should have obtained permission pursuant to the provision of Article 26 (1), without the permission,
  - (iii) when he/she has violated an order pursuant to the provision of Article 36 or Article 36-2 (4),
  - (iv) when he/she has violated the provision of Article 37 (1) or (4), or an order

- pursuant to the provision of paragraph (3) of said Article,
- (v) when he/she has violated an order pursuant to the provision of Article 43,
  - (vi) when he/she has violated the provision pursuant of Article 43-2 (1),
  - (vii) when he/she has violated an order pursuant to the provision of Article 12-2 (3) as applied mutatis mutandis pursuant to Article 43-2 (2),
  - (viii) when he/she has violated the provision of Article 12-2 (4) as applied mutatis mutandis to Article 43-2 (2),
  - (ix) when he/she has violated the provision of Article 43-3 (1),
  - (x) when he/she has violated an order pursuant to the provision of Article 12-5 as applied mutatis mutandis pursuant to Article 43-3 (2),
  - (xi) when he/she has abolished a reactor in violation of the provision of Article 43-3-2 (1),
  - (xii) when he/she has violated the provision of Article 43-3-2 (2),
  - (xiii) when he/she has violated the provision of Article 58 (2), or has violated an order pursuant to the provision of paragraph (3) of said Article,
  - (xiv) when he/she has violated the provision of Article 59 (2), or has violated an order pursuant to the provision of paragraph (4) of said Article,
  - (xv) when he/she has violated the provision of Article 59-2 (2),
  - (xvi) when he/she has violated the provision of Article 61-8 (1) or (4), or has violated an order pursuant to the provision of paragraph (3) of said Article,
  - (xvii) when he/she has violated the conditions of Article 62-2 (1) or (2).
  - (xviii) when he/she has violated the provision of Article 6 of the Act on Compensation for Nuclear Damage,
  - (xix) when he/she has violated an order pursuant to Article 7 (4), Article 8 (5), Article 9 (7) or Article 11 (6) of the Act on Special Measures Concerning Nuclear Emergency, or
  - (xx) when he/she has been disposed of pursuant to the provision of Article 37-2 (1) of the Act on Port Regulations (Act No. 174 of 1948) (including the cases where applied mutatis mutandis pursuant to Article 37-3 of said Act), or when he/she has violated the provision of Article 21 (1) of said Act as applied mutatis mutandis pursuant to paragraph (2) of said Article (including the cases where applied mutatis mutandis pursuant to Article 37-3 of said Act).
- (3) When the operator of a foreign nuclear vessel falls under any of the following items, the Minister of MLIT may rescind the permission set forth in Article 23-2 (1):
- (i) when he/she falls under item (i), (iii), (xiii), (xiv) or (xx) of the preceding paragraph,
  - (ii) when he/she has changed or maintained Article 26-2 (1) without obtaining the permission set forth in the said paragraph, or
  - (iii) when he/she has violated the conditions of Article 62-2 (1).

(Records)

Article 34 Pursuant to the provision of the Ordinance of the competent ministry, the licensee of reactor operation shall record the matters specified in the Ordinance of the competent ministry concerning the operation of the reactors and other uses of the reactor facilities, and keep this record at the factory or the place of activity (in the case of reactors installed on a vessel, the vessel or the office of the reactor establisher).

(Measures To Be Taken for Safety and the Physical Protection of Specified Nuclear Fuel Material)

Article 35 (1) Any licensee of reactor operation and any operator of a foreign nuclear vessel shall, pursuant to the provision of the Ordinance of the competent ministry (in the case of an operator of a foreign nuclear vessel, the Ordinance of MLIT), take necessary operational safety measures concerning the following matters:

(i) maintenance etc. of reactor facilities,

(ii) operation of reactors, and

(iii) shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material (shipment and disposal shall be limited to the factory or the place of activity (including reactor vessels; hereinafter the same shall apply in the following paragraph) where the reactor facilities have been installed; hereinafter the same shall apply to paragraph (1) of the following Article).

(2) Any licensee of reactor operation or operator of a foreign nuclear vessel who handles specified nuclear fuel material at a factory or a place of activity where the reactor facilities have been installed shall, if provided for by Cabinet Order, take protection measures pursuant to the provision of the Ordinance of the competent ministry (in the case of an operator of a foreign nuclear vessel, the Ordinance of MLIT).

(Suspension, etc. of the Use of Facilities)

Article 36 (1) When the competent minister (in the case of an operator of a foreign nuclear vessel, the Minister of MLIT) finds that the performance of the reactor facilities does not conform with the technical standards set forth in Article 29 (2), or that the measures pertaining to the maintenance etc. of the reactor facilities, the operation of the reactors, or that the shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material is in violation of the provision of the Ordinance of the competent ministry or of the Ordinance of the MLIT pursuant to the provision of paragraph (1) of the preceding Article, he/she may order any licensee of reactor operation or any operator of a foreign nuclear vessel to suspend use, remodel,



repair or change the location of the reactor facilities, designate a method for operating the reactors or order the necessary safety measures to be taken.

- (2) When the competent minister (in the case of an operator of a foreign nuclear vessel, the Minister of MLIT) finds that the protection measures are in violation of the provision of the Ordinance of the competent ministry or of the Ordinance of MLIT pursuant to the provision of paragraph (2) of the preceding Article, he/she may order any licensee of reactor operation or any operator of a foreign nuclear vessel to take corrective measures, etc.

(Notification, etc. of the Entry of a Nuclear Vessel into a Port)

Article 36-2 (1) When any reactor establisher (limited to a person who has installed reactors on a vessel; hereinafter the same shall apply in this Article) intends to place a nuclear vessel in a port of Japan, he/she shall notify the Minister of MLIT (in the case of a vessel on which a reactor other than a commercial marine reactor has been installed, the Minister of MEXT) in advance, pursuant to the provision of the Ordinance of the MLIT (in the case of a vessel on which a reactor other than a commercial marine reactor has been installed, the Ordinance of MEXT).

- (2) When any operator of a foreign nuclear vessel intends to place a foreign nuclear vessel in a port of Japan, he/she shall notify the Minister of MLIT in advance, pursuant to the provision of the Ordinance of the MLIT.
- (3) When the notification pursuant to the provision of paragraph (1) is made, the Minister of MEXT shall, if he/she finds it necessary, notify the Minister of MLIT of matters pertaining to measures to be taken by the reactor establisher to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or the reactors, pursuant to the provision of the Ordinance of MEXT.
- (4) When the notification pursuant to the provision of paragraph (1) or (2) is made, and the Minister of MLIT finds it necessary, or when the notification set forth in the preceding paragraph is made, he/she shall order the reactor establisher 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 the reactors, and shall 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 one provided in the provision of Article 3 (2) of the Act on Port Regulations, the director of the Office of the Regional Coast Guard Headquarters who exercises authority as director of the port, pursuant to the provision of Article 37-3 of said Act) to take the necessary regulations concerning navigation of the relevant reactor vessels.

(Operational Safety Programs)

- Article 37 (1) Any licensee of reactor operation shall, pursuant to the provision of the Ordinance of the competent ministry, specify operational safety programs (including rules for operational safety education related to operation of the reactors; hereinafter the same shall apply in this Article) before commencing operation of the reactors, and obtain approval from the competent minister. The same shall apply when the licensee of reactor operation intends to amend such programs.
- (2) When the competent minister finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, he/she shall not grant the approval set forth in the preceding paragraph.
- (3) When the competent minister finds that the operational safety programs need to be amended for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, he/she may order the reactor establisher to amend the operational safety programs.
- (4) Any reactor establisher and his/her employees shall observe the safety provisions.
- (5) Any licensee of reactor operation shall, pursuant to the provision of the Ordinance of the competent ministry, undergo a periodic inspection conducted by the competent minister concerning the compliance with the provision set forth in the preceding paragraph.
- (6) The provisions of Article 12 (6) to (8) shall apply mutatis mutandis to the inspection set forth in the preceding paragraph. In this case, the term "preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 37 (5)," the term "Minister of METI" shall be deemed to be replaced with "competent minister provided in Article 23 (2)" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)."

Article 38 Deletion

(Reception, etc. of Reactors)

- Article 39 (1) Any person who intends to receive reactors or entire facilities that include reactors (including nuclear vessels; the same shall apply in paragraph (4)) from a reactor establisher shall obtain the permission of the competent minister pursuant to the provision of the Cabinet Order.
- (2) Any person who intends to receive nuclear vessels from a person other than one who possesses Japanese nationality, a juridical person established in accordance with Japanese laws and regulations, or any other organization (excluding reactor establishers) shall obtain the permission of the Minister of

MLIT, pursuant to the provision of the Cabinet Order.

- (3) The provisions of Article 24 and Article 25 shall apply mutatis mutandis to the approval set forth in the two preceding paragraphs.
- (4) A person who, with the permission set forth in paragraph (1), has received reactors or entire facilities that include reactors from a reactor establisher shall succeed the status of the reactor establisher with respect to the relevant reactors.
- (5) A person who, with the permission set forth in paragraph (2), has received a reactor vessel shall be deemed a reactor establisher. In this case, the term "any matter provided for in item (ii) to (v), or item (viii) of Article 23 (2)" in Article 26 (1) and the term "any matter provided in items (i), (vi) or (vii) of Article 23 (2)" in paragraph (2) of said Article shall be deemed to be replaced with "any matter provided for by Cabinet Order," and the term "Article 23 (1)" in Article 33 and in Article 43-3-2 (3) shall be deemed to be replaced with "Article 39 (2)."

(Chief Engineer of Reactors)

- Article 40 (1) Any licensee of reactor operation shall, pursuant to the provision of the Ordinance of the competent ministry, appoint a chief engineer of reactors from among the persons who are licensed chief engineers of reactors as set forth in paragraph (1) of the following Article, and have this person supervise safety concerning the operation of reactors.
- (2) When any licensee of reactor operation has appointed a chief engineer of reactors pursuant to the provision of the preceding paragraph, the licensee of reactor operation shall notify the competent minister of the appointment within thirty days of the appointment. The same shall apply to the dismissal of the chief engineer of reactors.

(Certificate for Chief Engineer of Reactors)

- Article 41 (1) The Minister of MEXT and the Minister of METI shall issue a certificate for chief engineer of reactors to any person who falls under any of the following items:
- (i) a person who has passed the examination for chief engineer of reactors executed by the Minister of MEXT and the Minister of METI, or
  - (ii) a person whom the Minister of MEXT and the Minister of METI finds, pursuant to the provision of the Cabinet Order, to possess knowledge and experience related to reactors equal to or more than those of the persons listed in the preceding item.
- (2) The Minister of MEXT and the Minister of METI may, to any person who falls under any of the following items, not issue a certification for chief engineer of reactors:
    - (i) a person who has been ordered to return his/her certification for chief

engineer of reactors pursuant to the provision of the following paragraph, and for whom a year has not yet elapsed from the day he/she was ordered to return his/her certification, or

- (ii) a person who has been sentenced to a penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended.
- (3) When a person who has been issued a certification for chief engineer of reactors has violated the provisions of this Act or an order pursuant to this Act, the Minister of MEXT and the Minister of METI may order him/her to return his/her certification.
- (4) The subjects, procedures and other details of the examination for chief engineer of reactors set forth in item (i) of paragraph (1), and the procedure for issuing and returning the certification for chief engineer of reactors shall be specified in the Ordinance of MEXT and the Ordinance of METI.

(Duties, etc. of the Chief Engineer of Reactors)

Article 42 (1) The chief engineer of reactors shall execute his/her duties in good faith.

- (2) Any person who is engaged in the operation of reactors shall comply with the instructions for safety given by the chief engineer of reactors.

(Order to Dismiss the Chief Engineer of Reactors)

Article 43 When the chief engineer of reactors has violated the provisions of this Act or an order pursuant to this Act, the competent minister may order any licensee of reactor operation to dismiss the chief engineer of reactors.

(Physical Protection Program)

Article 43-2 (1) In the case where the provision of Article 35 (2) is applicable, the reactor establisher shall, as provided for by the Ordinance of the competent ministry, specify the physical protection program and obtain the approval of the competent minister before commencing the operation of specified nuclear material. The same shall also apply when changes are made to such programs.

- (2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection program set forth in the preceding paragraph, and the provisions of paragraphs (6) to (8) of said Article shall apply mutatis mutandis to the inspection set forth in paragraph (5) of said Article as applied mutatis mutandis pursuant to this paragraph. In this case, the term "Minister of METI" in paragraph (2) of said Article shall be deemed to be replaced with "competent minister provided in Article 23 (2)" and the term "preceding paragraph" shall be deemed to be replaced with "Article 43-2 (1)"; the term

"Minister of METI" in paragraph (3) of said Article shall be deemed to be replaced with "competent minister provided in Article 23 (2)" and the term "licensee of refining activity" shall be deemed to be replaced with "licensee of reactor operation"; the term "refining activity operator" in paragraph (4) of said Article shall be deemed to be replaced with "licensee of reactor operation"; the term "licensee of refining activity" in paragraph (5) of said Article shall be deemed to be replaced with "licensee of reactor operation," the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)" and the term "Minister of METI" shall be deemed to be replaced with "competent minister provided in Article 23 (2)"; the term "Minister of METI" in paragraph (6) of said Article shall be deemed to be replaced with "competent minister provided in Article 23 (2)" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)."

(Physical Protection Manager)

Article 43-3 (1) In the case that the provision of Article 35 (2) is applicable, the licensee of reactor operation shall, pursuant to the provision of the Ordinance of the competent ministry, appoint a physical protection manager, from among persons who satisfy the requirements provided in the Ordinance of the competent ministry related to knowledge, etc. of the operation of specified nuclear fuel material, etc., and have this physical protection manager manage activity related to the protection of specified nuclear fuel material in a consistent manner.

(2) The provisions of Article 12-3 (2), Article 12-4 and Article 12-5 shall apply mutatis mutandis to physical protection manager set forth in the preceding paragraph. In this case, the term "licensee of refining activity" in these provisions shall be deemed to be replaced with "licensee of reactor operation," the term "Minister of METI" shall be deemed to be replaced with "competent minister" and the term "refining facilities" shall be deemed to be replaced with "reactor facilities."

(Measures associated with Abolition of Reactors)

Article 43-3-2 (1) When the licensee of reactor operation intends to abolish his/her reactors, he/she shall dismantle the reactor facilities, transfer the nuclear fuel material that he/she possesses, eliminate the contamination caused by nuclear fuel material, dispose of material contaminated by nuclear fuel material and take any other measures specified in the Ordinance of the competent ministry (hereinafter referred to as "decommissioning" in this Article and the following Article).

(2) When the licensee of reactor operation intends to take decommissioning

measures, he/she shall draw up a plan concerning said abolition measures (hereinafter referred to as "decommissioning plan" in the following Article) in advance, pursuant to the provision of the Ordinance of the competent ministry, and obtain the approval of the competent minister.

- (3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning measures of the licensee of reactor operation. In this case, the term "Minister of METI" in these provisions shall be deemed to be replaced with "competent minister provided in Article 23 (2)"; the term "preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 43-3-2 (2)" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)"; the term "two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 43-3-2 (2) and the preceding paragraph" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)"; the term "paragraph (2)" in paragraph (5) of said Article shall be deemed to be replaced with "Article 43-3-2 (2)" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)"; the term "paragraph (2)" in paragraph (6) of said Article shall be deemed to be replaced with "Article 43-3-2 (2)"; the term "material contaminated by" in paragraph (7) of said Article shall be deemed to be replaced with "material or reactors contaminated"; the term "Ordinance of METI" in paragraph (8) of said Article shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)"; and the term "the designation set forth in paragraph Article 3 (1) shall cease to be effective" in paragraph (9) of said Article shall be deemed to be replaced with "the permission set forth in Article 23 (1) shall cease to be effective with respect to reactors pertaining to the approval set forth in Article 43-3-2 (2)."

(Measures associated with Rescission, etc. of the Permission)

- Article 43-3-3 (1) When any licensee of reactor operation has had his/her permission rescinded pursuant to the provision of Article 33 (1) or (2), or when any licensee of reactor operation has dissolved or died, and there is no inheritance pursuant to the provision of Article 31 (1) or Article 32 (1), the former licensee of reactor operation, etc. (a person who controls the inherited property in lieu of the liquidator, bankruptcy trustee or heir when the licensee of reactor operation has had his/her permission rescinded pursuant to the provision of Article 33 (1) or (2) or when the licensee of reactor operation has dissolved or died, and there is no inheritance pursuant to the provision of Article 31 (1) or Article 32 (1); the same shall apply hereinafter) shall be deemed to be the reactor establisher regarding the application of the provisions

of Article 29, Articles 34 to 36, Article 37, Article 40 and Articles 42 to 43-3 (including penal provisions pertaining to these provisions) for the period until the confirmation as provided for in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

- (2) Pursuant to the provision of the Ordinance of the competent ministry, the former licensee of reactor operation, etc. shall draw up a plan for decommissioning measures and apply for the approval of the competent minister within the period provided for in the Ordinance of the competent ministry from the date that his/her permission as a licensee of reactor operation was rescinded pursuant to the provision of Article 33 (1) or (2), or the date of dissolution or death of the licensee of reactor operation.
- (3) The former licensee of reactor operation, etc. shall not take abolition measures for the period until he/she obtains the approval set forth in the preceding paragraph.
- (4) The provisions of Article 12-7 (4) to (9) shall apply mutatis mutandis to decommissioning measures of former licensee of reactor operation, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to former licensee of reactor operation, etc. In this case, the term "paragraph (2)" in these provisions shall be deemed to be replaced with "Article 43-3-3 (2)," the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of the competent ministry provided in Article 27 (1)" and the term "Minister of METI" shall be deemed to be replaced with "competent minister provided in Article 23 (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7 (5) shall be deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 43-3-2 (3)"; the term "material contaminated by" in paragraph (8) of said Article shall be deemed to be replaced with "material or reactors contaminated by"; the term "paragraph (8) of the preceding Article" in paragraph (9) of said Article shall be deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 43-3-2 (3)"; the term "paragraph (1)" in Article 22-9 (4) shall be deemed to be replaced with "Article 43-3-3 (1)," the term "as the licensee of fabricating or enrichment activity" shall be deemed to be replaced with "as the licensee of reactor operation" and the term "Article 16-5" shall be deemed to be replaced with "Article 29."

(Delegation to Cabinet Order)

Article 43-3-4 (1) In the case of abolition of 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 provision of Article 33 (3), the necessary matters concerning measures to be taken by the operator of the foreign nuclear vessel to prevent disasters resulting from the reactors or from nuclear fuel

material or material contaminated by nuclear fuel material in association with the abolition, etc. of the reactors may be prescribed in the Cabinet Order.

- (2) The necessary penal provisions may be established in the Cabinet Order pursuant to the provision set forth in the preceding paragraph.
- (3) The penalties that may be provided in the penal provisions set forth in the preceding paragraph shall be imprisonment with work for not more than one year, a fine of not more than one million yen, or both.

## **Chapter IV-2 Regulations Concerning the Interim Storage Activity**

(Licensing for the Activity)

- Article 43-4 (1) Any person who intends to carry out a activity for interim storage (limited to storage carried out at storage facilities with a storage capacity not or less that provided by Cabinet Order, with the exception of reactor facilities, reprocessing facilities provided in item (ii) of Article 44 (2) and storage facilities provided in item (viii) of Article 52 (2) associated with usage facilities provided in item (vii) of paragraph (2) of said Article (hereinafter referred to as "spent fuel interim storage facilities"); hereinafter referred to as "storage of spent fuel") of spent fuel (limited to spent fuel pertaining to commercial power reactors and any other reactors provided 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 reactor facilities; hereinafter the same shall apply in this Chapter, Article 60 (1), item (vi)-2 of Article 77 and item (xvi)-2 of Article 78) shall obtain the permission of the Minister of METI pursuant to the provision of the Cabinet Order.
- (2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit an application form containing the following matters to the Minister of METI:
    - (i) the name and address of the applicant and, in the case of a juridical person, the name of its representative,
    - (ii) the name and address of the place of activity where the spent fuel interim storage equipment and auxiliary facilities (hereinafter referred to as "spent fuel interim storage facilities") are to be installed,
    - (iii) the type of spent fuel to be stored and the storage capacity,
    - (iv) the location, structure and equipment of the spent fuel interim storage facilities, and the storage method,
    - (v) a construction plan for the spent fuel interim storage facilities, and
    - (vi) the method for carrying out the spent fuel after termination of storage.
  - (3) When the Minister of METI intends to plan to enact, revise or abolish the Cabinet Order set forth in paragraph (1) that includes provisions on reactors



and storage capacity, he/she shall hear, in advance, the opinion of the Atomic Energy Commission and the Nuclear Safety Commission.

(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 Minister of METI shall not grant the permission in said paragraph unless he/she finds that the application conforms with each of the following items:

- (i) that spent fuel interim storage facilities will not be used for non-peaceful purposes,
- (ii) that granting the permission will not hinder the planned development and utilization of nuclear energy,
- (iii) that the applicant has sufficient technical capability and financial basis for executing the activity competently, and
- (iv) that the location, structure and equipment of the spent fuel interim storage facilities are such that they will not hinder the prevention of disasters resulting from nuclear fuel material or by material contaminated by nuclear fuel material.

(2) In granting the permission set forth in paragraph (1) of the preceding Article, the Minister of METI shall hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria provided in items (i), (ii) and (iii) of the preceding paragraph (limited to the portion pertaining to financial basis only), and the opinion of the Nuclear Safety Commission with respect to the application of the criteria provided in item (iii) (limited to the portion pertaining to technical capability only) and item (iv) of said paragraph.

(Ineligibility for the Permission)

Article 43-6 Any person who falls under any of the following items shall not be granted the permission set forth in Article 43-4 (1):

- (i) a person whose permission set forth in Article 43-4 (1) has been rescinded pursuant to the provision of Article 43-16 (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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended,
- (iii) an adult ward, or
- (iv) a juridical person any of whose executive officials falls under any of the three preceding items.

(Licensing Change and Notification)

- Article 43-7 (1) When any person who has obtained the permission set forth in Article 43-4 (1) (hereinafter referred to as "licensee of spent fuel interim storage activity") intends to amend any matter provided for in items (ii) to (iv), or item (vi) of paragraph (2) of said Article, he/she shall obtain the permission of the Minister of METI, pursuant to the provision of the Cabinet Order; provided, however, that this shall not apply to amendment, from among the matters listed in item (ii) of said paragraph, only the name of the place of activity.
- (2) When a licensee of spent fuel interim storage activity has amended any matter provided for in item (i) or (v) of Article 43-4 (2), except the case specified in Article 43-15 (1), he/she shall notify the Minister of METI of the amendment within thirty days from the day that the amendment was made. The same shall apply to amendments made to, from among the matters listed in item (ii) of said paragraph, only the name of the place of activity.
- (3) The provision of Article 43-5 shall apply mutatis mutandis to the permission set forth in paragraph (1).

(Approval of Design and Construction Methods)

- Article 43-8 (1) Any licensee of spent fuel interim storage activity shall, pursuant to the provision of the Ordinance of METI, obtain the approval of the Minister of METI with respect to the design and construction method of the spent fuel interim storage facilities (except for welding methods pertaining to spent fuel interim storage facilities provided in Article 43-10 (1) that are to be welded; hereinafter the same shall apply in this Article) before commencing construction work on the spent fuel interim storage facilities. The same shall also apply when making modifications to the spent fuel interim storage facilities.
- (2) When any licensee of spent fuel interim storage activity intends to amend the design and construction method related to a spent fuel interim storage facility for which the approval set forth in the preceding paragraph has been obtained, he/she shall obtain approval from the Minister of METI as set forth in the Ordinance of METI; provided, however, that this shall not apply to a minor amendment as provided for by the Ordinance of METI.
- (3) When the Minister of METI finds that the design and construction method pertaining to the application for the approval set forth in the two preceding paragraphs conform with the following items, he/she shall grant the approval set forth in the two preceding paragraphs:
- (i) the design and construction method have been given approval as set forth in Article 43-4 (1) or paragraph (1) of the preceding Article, or an application for approval has been submitted pursuant to the provision of paragraph (2) of said Article, and

- (ii) the design and construction method conform with the technical standards prescribed by the Ordinance of METI.
- (4) When any licensee of spent fuel interim storage activity has made a minor change to the design and construction method, as provided for by the Ordinance of METI under the proviso of paragraph (2), of a spent fuel interim storage facility for which the approval set forth in paragraph (1) has been obtained, he/she shall notify the Minister of METI of the minor change.

(Pre-service Inspection)

Article 43-9 (1) Any licensee of spent fuel interim storage activity shall subject his/her spent fuel interim storage facilities to an inspection concerning their construction work (except for the reactor facilities provided for in paragraph (1) of the following Article on which welding is to be performed; hereinafter the same shall apply in the following paragraph) and performance by the Minister of METI, pursuant to the provision of the Ordinance of METI, and shall not use the spent fuel interim storage facilities until after they have passed the inspection. The same shall apply to spent fuel interim storage facilities when changes are made to such spent fuel interim storage facilities.

- (2) The inspection set forth in the preceding paragraph shall be considered as passing when the spent fuel interim storage facilities conform with each of the following items:
  - (i) that the construction work has been carried out in compliance with the design and method for which the approval set forth in paragraph (1) of the preceding Article (or modified design and method in the case that there has been approval or notification regarding an amendment pursuant to the provision of paragraph (2) or paragraph (4) of said Article) has been obtained, and
  - (ii) that their performance conforms with the technical standards prescribed by the Ordinance of METI.
- (3) The provisions of Article 16-3 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1).

(Welding Method and Inspection)

Article 43-10 (1) Any containers used for storing spent fuel and any other spent fuel interim storage facilities specified by the Ordinance of METI that are to be welded shall be inspected by the Minister of METI with respect to the welding, pursuant to the Ordinance of METI, and the licensee of spent fuel interim storage activity may not use the containers or facilities until after they have passed the inspection; provided, however, that this shall not apply to the case specified in paragraph (4) and cases specified by the Ordinance of METI.

- (2) A person who intends to undergo the inspection set forth in the preceding

paragraph shall obtain approval from the Minister of METI concerning the method of welding, pursuant to the provision of the Ordinance of METI.

- (3) The inspection set forth in paragraph (1) shall be considered as passing when welding conforms with each of the following items:
  - (i) welding is being carried out in compliance with the method for which the approval set forth in the preceding paragraph has been obtained, and
  - (ii) welding conforms with the technical standards prescribed by the Ordinance of METI.
- (4) Spent fuel storage facilities involving the welding provided in paragraph (1) that have also been imported shall be inspected by the Minister of METI concerning the welding pursuant to the provision of the Ordinance of METI, and the licensee of spent fuel interim storage activity shall not use the spent fuel interim storage facilities until after they have passed the inspection.
- (5) The inspection set forth in the preceding paragraph shall be considered as passing when the welding conforms with the technical standards specified in item (ii) of paragraph (3).

(Periodic Inspection of the Facilities)

- Article 43-11 (1) Any licensee of spent fuel interim storage activity shall, pursuant to the provision of the Ordinance of METI, undergo an inspection conducted at intervals of not less than one year as specified in the Ordinance of METI by the Minister of METI concerning the performance of the spent fuel interim storage facilities specified by Cabinet Order; provided, however, that this shall not apply to the case where the approval set forth in Article 43-27 (2) has been obtained, unless otherwise provided for by the Ordinance of METI.
- (2) The inspection set forth in the preceding paragraph shall be conducted with regard to whether the performance of the spent fuel interim storage facilities conforms with the technical standards specified in the Ordinance of METI.
  - (3) The provisions of Article 16-5 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1).

(Notification of Commencement of Activity, etc.)

Article 43-12 When a licensee of spent fuel interim storage activity has commenced, suspended or restarted his/her activity, he/she shall notify the Minister of METI within fifteen days from the day concerned.

(Storage Plan)

Article 43-13 Any licensee of spent fuel interim storage activity shall, pursuant to the Ordinance of METI, create a storage plan for the spent fuel interim storage facilities, and notify the Minister of METI of the plan. The same shall apply when changes are made to such plans; provided, however, that this shall

not apply when the approval set forth in Article 43-27 (2) has been obtained.

(Merger)

- Article 43-14 (1) In the case of a merger of juridical persons who are licensee of spent fuel interim storage activity (except in the case of a merger of a juridical person who is a licensee of spent fuel interim storage activity and a juridical person who is not a licensee of spent fuel interim storage activity, and where the juridical person who is the licensee of spent fuel interim storage activity continues to exist), when the approval of the Minister of METI has been obtained for the merger, the juridical person who is to continue to exist after the merger, or the juridical person who has been established by the merger shall succeed the status of licensee of spent fuel interim storage activity.
- (2) The provisions of items (i) to (iii) of Article 43-5 (1), paragraph (2) of said Article, and Article 43-6 shall 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 interim storage activity, the inheritor shall succeed the status of the licensee of spent fuel interim storage activity.
- (2) The inheritor who has succeeded the status of the licensee of spent fuel interim storage activity pursuant to the provision set forth in the preceding paragraph shall notify the Minister of METI of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of Licensing)

- Article 43-16 (1) When a licensee of spent fuel interim storage activity fails to commence his/her activity within the period provided for in the Ordinance of METI, or suspends his/her activity for more than one year continuously, without a justifiable grounds, the Minister of METI may rescind the permission set forth in Article 43-4 (1).
- (2) When a licensee of spent fuel interim storage activity falls under any of the following items, the Minister of METI may rescind the permission set forth in Article 43-4 (1), or specify a period not exceeding one year and order suspension of activity for that period:
- (i) when a licensee of spent fuel interim storage activity falls under one of items (ii) to (iv) of Article 43-6,
  - (ii) when he/she has changed a matter for which he/she should have obtained permission pursuant to the provision of Article 43-7 (1), without permission,
  - (iii) when he/she has violated an order pursuant to the provision of Article 43-19,

- (iv) when he/she has violated the provision of Article 43-20 (1) or (4), or an order pursuant to the provision of paragraph (3) of said Article,
- (v) when he/she has violated an order pursuant to the provision of Article 43-24,
- (vi) when he/she has violated the provision of Article 43-25 (1),
- (vii) when he/she has violated an order pursuant to the provision of Article 12-2 (3) as applied mutatis mutandis pursuant to Article 43-25 (2),
- (viii) when he/she has violated the provision of Article 12-2 (4) as applied mutatis mutandis pursuant to Article 43-25 (2),
- (ix) when he/she has violated the provision of Article 43-26 (1),
- (x) when he/she has violated an order pursuant to the provision of Article 12-5 as applied mutatis mutandis pursuant to Article 43-26 (2),
- (xi) when he/she has abolished the activity of storing spent fuel in violation of the provision of Article 43-27 (1),
- (xii) when he/she has violated the provision of Article 43-27 (2),
- (xiii) when he/she has violated the provision of Article 58 (2), or has violated an order pursuant to the provision of paragraph (3) of said Article,
- (xiv) when he/she has violated the provision of Article 59 (2), or has violated an order pursuant to the provision of paragraph (4) of said Article,
- (xv) when he/she has violated the provision of Article 59-2 (2),
- (xvi) when he/she has violated the provision of Article 61-8 (1) or (4), or has violated an order pursuant to the provision of paragraph (3) of said Article,
- (xvii) when he/she has violated the conditions of Article 62-2 (1) or (2),
- (xviii) when he/she has violated the provision of Article 6 of the Act on Compensation for Nuclear Damage, or
- (xix) when he/she has violated an order pursuant to Article 7 (4), Article 8 (5), Article 9 (7) or Article 11 (6) of the Act on Special Measures Concerning Nuclear Emergency.

(Records)

Article 43-17 Pursuant to the provision of the Ordinance of METI, the licensee of spent fuel interim storage activity shall record the matters specified in the Ordinance of METI concerning the execution of the activity of storing spent fuel, and keep this record at the place of activity.

(Measures to Be Taken for Operational Safety and the Physical Protection of Specific Nuclear Fuel Material)

Article 43-18 (1) Any licensee of spent fuel interim storage activity shall, pursuant to the provision of the Ordinance of METI, take necessary operational safety measures concerning the following matters:

- (i) maintenance etc. of spent fuel interim storage facilities,
- (ii) operation of spent fuel interim storage equipment, and

(iii) shipment of spent fuel (limited to the place of activity where the spent fuel interim storage facilities have been installed; hereinafter the same shall apply in paragraph (1) of the following Article) or shipment, storage or disposal of material contaminated by spent fuel (shipment and disposal shall be limited to the place of activity where the spent fuel interim storage facilities have been installed; hereinafter the same shall apply in paragraph (1) of the following Article).

(2) Any licensee of spent fuel interim storage activity who handles specific nuclear fuel material at a place of activity where the spent fuel interim storage facilities have been installed shall, if provided for by Cabinet Order, take protection measures pursuant to the provision of the Ordinance of METI.

(Suspension, etc. of the Use of Facilities)

Article 43-19 (1) When the Minister of METI finds that the performance of the spent fuel interim storage facilities does not conform with the technical standards set forth in Article 43-11 (2), or that the measures pertaining to the maintenance etc. of the spent fuel interim storage facilities, the operation of the spent fuel interim storage equipment, the shipment of the spent fuel, or the shipment, storage or disposal of material contaminated by the spent fuel are in violation of the provision of the Ordinance of METI pursuant to the provision of paragraph (1) of the preceding Article, he/she may order any licensee of spent fuel interim storage activity to suspend use, remodel, repair or change the location of the spent fuel interim storage facilities, designate a method for operating the spent fuel interim storage equipment or order the necessary safety measures to be taken.

(2) When the Minister of METI finds that the protection measures are in violation of the provision of the Ordinance of METI pursuant to the provision of paragraph (2) of the preceding Article, he/she may order any licensee of spent fuel interim storage activity to take corrective measures, etc.

(Operational Safety Programs)

Article 43-20 (1) Any licensee of spent fuel interim storage activity shall, pursuant to the provision of the Ordinance of METI, specify operational safety programs (including rules for operational safety education related to the handling of spent fuel; hereinafter the same shall apply in this Article) before commencing his/her activity, and obtain the approval of the Minister of METI. The same shall apply when the licensee of spent fuel interim storage activity intends to make amendments to such program.

(2) When the Minister of METI finds that the operational safety programs are not sufficient for preventing disasters resulting from spent fuel or material contaminated by spent fuel, he/she shall not grant the approval set forth in the

preceding paragraph.

- (3) When the Minister of METI finds that the operational safety programs need to be changed for preventing disasters resulting from spent fuel or material contaminated by spent fuel, he/she may order the licensee of spent fuel interim storage activity to amend the operational safety programs.
- (4) Any licensee of spent fuel interim storage activity and his/her employees must observe the operational safety programs.
- (5) Any licensee of spent fuel interim storage activity shall, pursuant to the provision of the Ordinance of METI, undergo a periodic inspection conducted by the Minister of METI concerning the compliance with the provision set forth in the preceding paragraph.
- (6) The provisions of Article 12 (6) to (8) shall apply mutatis mutandis to the inspection set forth in the preceding paragraph. In this case, the term "preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 43-20 (5)."

#### Article 43-21 Deletion

(Chief Engineer of Spent Fuel)

- Article 43-22 (1) Any licensee of spent fuel interim storage activity shall, pursuant to the provision of the Ordinance of METI, appoint a chief engineer of spent fuel from among persons who are certified chief engineers of nuclear fuel as set forth in Article 22-3 (1) or other persons who possess qualifications as specified by Ordinance of METI, and have this person supervise safety concerning the operation of spent fuel.
- (2) When licensee of spent fuel interim storage activity has appointed a chief engineer of spent fuel pursuant to the provision of the preceding paragraph, the licensee of spent fuel interim storage activity shall notify the Minister of METI of the appointment within thirty days of the appointment. The same shall apply to the dismissal of the chief engineer of spent fuel.

(Duties, etc. of the Chief Engineer of Spent Fuel)

- Article 43-23 (1) The chief engineer of spent fuel shall execute his/her duties related to the handling of spent fuel in the activity of interim storing spent fuel in good faith.
- (2) Any person who is engaged in the handling of spent fuel in the activity of interim storing spent fuel shall comply with the instructions for safe handling of such 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 pursuant to this Act, the Minister of METI may order any licensee of spent fuel interim storage activity to dismiss the chief engineer of spent fuel.

(Physical Protection Program)

Article 43-25 (1) In the case where the provision of Article 43-18 (2) is applicable, the licensee of spent fuel interim storage activity shall, as provided for by the Ordinance of METI, specify the physical protection program and obtain the approval of the Minister of METI before commencing the operation of specific nuclear material. The same shall also apply when changes are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection program set forth in the preceding paragraph, and the provisions of paragraphs (6) to (8) of said Article shall apply mutatis mutandis to the inspection set forth in paragraph (5) of said Article as applied mutatis mutandis pursuant to this paragraph. In this case, the term "preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 43-25 (1)" and the term "licensee of refining activity" in paragraphs (3) to (5) of said Article shall be deemed to be replaced with "licensee of spent fuel interim storage activity."

(Physical Protection Manager)

Article 43-26 (1) In the case that the provision of Article 43-18 (2) is applicable, the licensee of spent fuel interim storage activity shall, pursuant to the provision of the Ordinance of METI, appoint a physical protection manager, from among persons who satisfy the requirements provided in the Ordinance of METI related to knowledge, etc. of the operation of specific nuclear fuel material, etc., and have this physical protection manager manage activity related to the protection of specific nuclear fuel material in a consistent manner.

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

(Measures associated with Decommissioning of the Activity)

Article 43-27 (1) When the licensee of spent fuel interim storage activity intends to abolish his/her activity, he/she shall dismantle the spent fuel storage facilities, eliminate the contamination caused by the spent fuel, dispose of the

material contaminated by the spent fuel and take any other measures specified in the Ordinance of METI (hereinafter referred to as "decommissioning" in this Article and the following Article).

- (2) When the licensee of spent fuel interim storage activity intends to take decommissioning measures, he/she shall draw up a plan concerning said decommissioning measures (hereinafter referred to as "decommissioning plan" in the following Article) in advance, pursuant to the provision of the Ordinance of METI, and obtain the approval of the Minister of METI.
- (3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning measures of licensee of spent fuel interim storage activity. In this case, the term "preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 43-27 (2)"; the term "two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 43-27 (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of said Article shall be deemed to be replaced with "Article 43-27 (2)"; the term "nuclear fuel material" in paragraph (7) of said Article shall be deemed to be replaced with "spent fuel"; and the term "designation set forth in Article 3 (1)" in paragraph (9) of said Article shall be deemed to be replaced with "permission set forth in Article 43-4 (1)."

(Measures associated with Rescission, etc. of the Licensing)

- Article 43-28 (1) When any licensee of spent fuel interim storage activity has had his/her permission rescinded pursuant to the provision of Article 43-16, or when any licensee of spent fuel interim storage activity has dissolved or died, and there is no inheritance pursuant to the provision of Article 43-14 (1) or Article 43-15 (1), the former licensee of spent fuel interim storage activity, etc. (a person who controls the inherited property in lieu of the liquidator, bankruptcy trustee or heir when the licensee of spent fuel interim storage activity has had his/her permission rescinded pursuant to the provision of Article 43-16 or when the licensee of spent fuel interim storage activity has dissolved or died, and there is no inheritance pursuant to the provision of Article 43-14 (1) or Article 43-15 (1); the same shall apply hereinafter) shall be deemed to be the licensee of spent fuel interim storage activity regarding the application of the provisions of Article 43-11, Articles 43-17 to 43-20 and Articles 43-22 to 43-26 (including penal provisions pertaining to these provisions) for the period until the confirmation as provided for in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.
- (2) Pursuant to the provision of the Ordinance of METI, the former licensee of spent fuel interim storage activity, etc. shall draw up a plan for decommissioning measures and apply for approval from the Minister of METI within the period provided for in the Ordinance of METI from the date that

his/her permission as a licensee of spent fuel interim storage activity was rescinded pursuant to the provision of Article 43-16 or the date of dissolution or death of the licensee of spent fuel interim storage activity.

- (3) The former licensee of spent fuel interim storage activity, etc. shall not take decommissioning measures for the period until he/she obtains the approval set forth in the preceding paragraph.
- (4) The provisions of Article 12-7 (4) to (9) shall apply mutatis mutandis to decommissioning measures of former licensee of spent fuel interim storage activity, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to former licensee of spent fuel interim storage activity, etc. In this case, the term "paragraph (2)" in these provisions shall be deemed to be replaced with "Article 43-28 (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7 (5) shall be deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 43-27 (3)"; the term "nuclear fuel material" in paragraph (8) of said Article shall be deemed to be replaced with "spent fuel"; the term "paragraph (8) of the preceding Article" in paragraph (9) of said Article shall be deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 43-27 (3)"; the term "paragraph (1)" in Article 22-9 (4) shall be deemed to be replaced with "Article 43-28 (1)," the term "licensee of fabricating or enrichment activity" shall be deemed to be replaced with "licensee of spent fuel interim storage activity" and the term "Article 16-5" shall be deemed to be replaced with "Article 43-11."

## **Chapter V Regulations Concerning the Reprocessing Activity**

(Designation of Activity)

Article 44 (1) Any person who intends to carry out the reprocessing activity shall obtain designation from the Minister of METI, pursuant to the provision of the Cabinet Order.

(2) Any person who intends to obtain the designation set forth in the preceding paragraph shall submit an application form containing the following matters to the Minister of METI:

- (i) the name and address of the applicant and, in the case of a juridical person, the name of its representative,
- (ii) the name and address of the factory or the 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 location, structure and equipment of the reprocessing facilities, and the reprocessing method,

- (v) a construction plan for the reprocessing facilities, and
- (vi) the method for disposing of nuclear fuel material that has been separated from spent fuel.

(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 Minister of METI shall not grant the designation in said paragraph unless he/she finds that the application conforms with each of the following items:

- (i) that reprocessing facilities will not be utilized for non-peaceful purposes,
  - (ii) that granting the designation will not hinder the planned development and utilization of nuclear energy,
  - (iii) that the applicant has sufficient technical capability and financial basis sufficient for executing the activity competently, and
  - (iv) that the location, structure and equipment of the reprocessing facilities are such that they 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.
- (2) In granting the designation set forth in paragraph (1) of the preceding Article, the Minister of METI shall hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria provided in items (i), (ii) and (iii) of the preceding paragraph (limited to the portion pertaining to financial basis only), and the opinion of the Nuclear Safety Commission with respect to the application of the criteria provided in item (iv) (limited to the portion pertaining to technical capability only).

(Ineligibility for the Designation)

Article 44-3 Any person who falls under any of the following items shall not be granted the designation set forth in Article 44 (1):

- (i) a person whose permission set forth in Article 44 (1) has been rescinded pursuant to the provision of Article 46-7 (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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended,
- (iii) an adult ward, or
- (iv) a juridical person any of whose executive officials falls under any of the three preceding items.

(Permission for and Notification, etc. of amendments)

Article 44-4 (1) When any person who has obtained the designation set forth in Article 44 (1) (hereinafter referred to as "licensee of reprocessing activity") intends to amend any matter provided for in items (ii) to (iv), or item (vi) of paragraph (2) of said Article, he/she shall obtain the permission of the Minister of METI, pursuant to the provision of the Cabinet Order; provided, however, that this shall not apply to amendment, from among the matters listed in item (ii) of said paragraph, only the name of the factory or the place of activity.

(2) When a licensee of reprocessing activity has amended any matter provided for in item (i) or (v) of Article 44 (2), except the case provided for in Article 46-6 (1), he/she shall notify the Minister of METI of the amendment within thirty days from the day that the amendment was made. The same shall apply to amendments made to, from among the matters listed in item (ii) of said paragraph, only the name of the factory or the place of activity.

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

(Approval of the Design and Construction Method)

Article 45 (1) Any licensee of reprocessing activity shall, pursuant to the provision of the Ordinance of METI, obtain the approval of the Minister of METI with respect to the design and construction method of the reprocessing facilities (except for welding methods pertaining to reprocessing facilities provided in Article 46-2 (1) that are to be welded; hereinafter the same shall apply in this Article) before commencing construction work on the reprocessing facilities. The same shall also apply when making modifications to the reprocessing facilities.

(2) When any licensee of reprocessing activity intends to amend the design and construction method related to a reprocessing facility for which the approval set forth in the preceding paragraph has been obtained, he/she shall obtain approval from the Minister of METI as set forth in the Ordinance of METI; provided, however, that this shall not apply to a minor amendment as provided for by the Ordinance of METI.

(3) When the Minister of METI finds that the design and construction method pertaining to the application for the approval set forth in the two preceding paragraphs conform with the following items, he/she shall grant the approval set forth in the two preceding paragraphs:

(i) the design and construction method have been given the designation set forth in Article 44 (1), the permission set forth in paragraph (1) of the preceding Article, or an application for permission has been submitted pursuant to the provision of paragraph (2) of said Article, and

(ii) the design and construction method conform with the technical standards prescribed by the Ordinance of METI.

- (4) When any licensee of reprocessing activity has made a minor amendment to the design and construction method, as provided for by the Ordinance of METI under the proviso of paragraph (2), of a reprocessing facility for which the approval set forth in paragraph (1) has been obtained, he/she shall notify the Minister of METI of the minor amendment.

(Pre-service Inspection)

Article 46 (1) Any licensee of reprocessing activity shall subject his/her reprocessing facilities to an inspection concerning their construction work (except for the reprocessing facilities provided for in paragraph (1) of the following Article on which welding is to be performed; hereinafter the same shall apply in the following paragraph) and performance by the Minister of METI, pursuant to the provision of the Ordinance of METI, and shall not use the reprocessing facilities until after they have passed the inspection. The same shall apply to reprocessing facilities when modifications are made to such reprocessing facilities.

- (2) The inspection set forth in the preceding paragraph shall be considered as passing when the reprocessing facilities conform with each of the following items:
- (i) that the construction work has been carried out in compliance with the design and method for which the approval set forth in paragraph (1) of the preceding Article (or modified design and method in the case that there has been approval or notification regarding an amendment pursuant to the provision of paragraph (2) or paragraph (4) of said Article) has been obtained, and
  - (ii) that their performance conforms with the technical standards prescribed by the Ordinance of METI.
- (3) The provisions of Article 16-3 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1).

(Welding Method and Inspection)

Article 46-2 (1) Any dissolution tanks that are to be used for spent fuel and any other reprocessing facilities specified by the Ordinance of METI that are to be welded shall be inspected by the Minister of METI with respect to the welding, pursuant to the Ordinance of METI, and the licensee of reprocessing activity may not use the tanks or facilities until after they have passed the inspection; provided, however, that this shall not apply to the case specified in paragraph (4) and cases specified by the Ordinance of METI.

- (2) A person who intends to undergo the inspection set forth in the preceding paragraph shall obtain approval from the Minister of METI concerning the method of welding, pursuant to the provision of the Ordinance of METI.

- (3) The inspection set forth in paragraph (1) shall be considered as passing when welding conforms with each of the following items:
- (i) welding is being carried out in compliance with the method for which the approval set forth in the preceding paragraph has been obtained, and
  - (ii) welding conforms with the technical standards prescribed by the Ordinance of METI.
- (4) Reprocessing facilities involving welding provided in paragraph (1) that have also been imported shall be inspected by the Minister of METI concerning the welding pursuant to the provision of the Ordinance of METI, and the licensee of reprocessing activity shall not use the reprocessing facilities until after they have passed the inspection.
- (5) The inspection set forth in the preceding paragraph shall be considered as passing when the welding conforms with the technical standards specified in item (ii) of paragraph (3).

(Facility Periodic Inspection)

- Article 46-2-2 (1) Any licensee of reprocessing activity shall, pursuant to the provision of the Ordinance of METI, undergo an annual inspection conducted by the Minister of METI concerning the performance of the reprocessing facilities specified by Cabinet Order; provided, however, that this shall not apply to a case where the approval set forth in Article 50-5 (2) has been obtained, unless otherwise provided for by the Ordinance of METI.
- (2) The inspection set forth in the preceding paragraph shall be conducted with regard to whether the performance of the reprocessing facilities conforms with the technical standards specified in the Ordinance of METI.
- (3) The provisions of Article 16-5 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1).

(Notification of Commencement of Activity, etc.)

- Article 46-3 When a licensee of reprocessing activity has commenced, suspended or restarted his/her activity, he/she shall notify the Minister of METI within fifteen days from the day concerned.

(Usage Plan)

- Article 46-4 Any licensee of reprocessing activity shall, pursuant to the Ordinance of METI, create an operation plan for the reprocessing facilities, and notify the Minister of METI of the plan. The same shall apply when amendments are made to such plans; provided, however, that this shall not apply when the approval set forth in Article 50-5 (2) has been obtained.

(Merger)

Article 46-5 (1) In the case of a merger of juridical persons who are licensees of reprocessing activity (except in the case of a merger of a juridical person who is a licensee of reprocessing activity and a juridical person who is not a licensee of reprocessing activity, and where the juridical person who is the licensee of reprocessing activity continues to exist), when the approval of the Minister of METI has been obtained for the merger, the juridical person who is to continue to exist after the merger, or the juridical person who has been established by the merger shall succeed the status of licensee of reprocessing activity.

(2) The provisions of items (i) to (iii) of Article 44-2 (1), paragraph (2) of said Article, and Article 44-3 shall 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 inheritor shall succeed the status of the licensee of reprocessing activity.

(2) The inheritor who has succeeded the status of the licensee of reprocessing activity pursuant to the provision set forth in the preceding paragraph shall notify the Minister of METI of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of the Designation)

Article 46-7 (1) When a licensee of reprocessing activity fails to commence his/her activity within the period provided for in the Ordinance of METI, or suspends his/her activity for more than one year continuously, without a justifiable grounds, the Minister of METI may rescind the designation set forth in Article 44 (1).

(2) When a licensee of reprocessing activity falls under any of the following items, the Minister of METI may rescind the designation set forth in Article 44 (1), or specify a period not exceeding one year and order suspension of activity for that period:

(i) when a licensee of reprocessing activity falls under one of items (ii) to (iv) of Article 44-3,

(ii) when he/she has changed a matter for which he/she should have obtained permission pursuant to the provision of Article 44-4 (1), without permission,

(iii) When he/she has violated an order pursuant to the provision of Article 49,

(iv) When he/she has violated the provision of Article 50 (1) or (4), or an order pursuant to the provision of paragraph (3) of said Article,

(v) When he/she has violated an order pursuant to the provision of Article 22-5 as applied mutatis mutandis pursuant to Article 50-2 (2),

(vi) When he/she has violated the provision of Article 50-3 (1),



- (vii) When he/she has violated an order pursuant to the provision of Article 12-2 (3) as applied mutatis mutandis pursuant to Article 50-3 (2),
- (viii) When he/she has violated the provision of Article 12-2 (4) as applied mutatis mutandis pursuant to Article 50-3 (2),
- (ix) When he/she has violated the provision of Article 50-4 (1),
- (x) When he/she has violated an order pursuant to the provision of Article 12-5 as applied mutatis mutandis pursuant to Article 50-4 (2),
- (xi) When he/she has abolished his/her activity of reprocessing in violation of the provision of Article 50-5 (1),
- (xii) When he/she has violated the provision of Article 50-5 (2),
- (xiii) When he/she has violated the provision of Article 58 (2), or has violated an order pursuant to the provision of paragraph (3) of said Article,
- (xiv) When he/she has violated the provision of Article 59 (2), or has violated an order pursuant to the provision of paragraph (4) of said Article,
- (xv) When he/she has violated the provision of Article 59-2 (2),
- (xvi) When he/she has violated the provision of Article 61-8 (1) or (4), or has violated an order pursuant to the provision of paragraph (3) of said Article,
- (xvii) When he/she has violated the conditions of Article 62-2 (1) or (2),
- (xviii) When he/she has violated the provision of Article 6 of the Act on Compensation for Nuclear Damage, or
- (xix) When he/she has violated an order pursuant to Article 7 (4), Article 8 (5), Article 9 (7) or Article 11 (6) of the Act on Special Measures Concerning Nuclear Emergency.

(Records)

Article 47 Pursuant to the provision of the Ordinance of METI, the licensee of reprocessing activity shall record the matters specified in the Ordinance of METI concerning the execution of the reprocessing activity, and keep this record at the factory or the place of activity.

(Measures to Be Taken for Operational Safety and the Physical Protection of Specific Nuclear Fuel Material)

Article 48 (1) Any licensee of reprocessing activity shall, pursuant to the provision of the Ordinance of METI, take necessary operational safety measures concerning the following matters:

- (i) maintenance, etc. of reprocessing facilities,
- (ii) operation of reprocessing equipment, and
- (iii) shipment, storage or disposal of spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel (shipment and disposal shall be limited to the factory or place of activity where the reprocessing facilities have been installed; hereinafter the same shall apply

in the following Article).

- (2) Any licensee of reprocessing activity who handles specified nuclear fuel material at a factory or a place of activity where reprocessing facilities have been installed shall, if provided for by Cabinet Order, take protection measures pursuant to the provision of the Ordinance of METI.

(Suspension, etc. of the Use of Facilities)

- Article 49 (1) When the Minister of METI finds that the performance of the reprocessing facilities does not conform with the technical standards set forth in Article 46-2-2 (2), or that the measures pertaining to the maintenance etc. of reprocessing facilities, the operation of the reprocessing equipment, or the shipment, 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 provision of the Ordinance of METI pursuant to the provision of paragraph (1) of the preceding Article, he/she may order any licensee of reprocessing activity to suspend use, remodel, repair or change the location of the reprocessing facilities, designate a method for operating the reprocessing equipment or order the necessary operational safety measures to be taken.
- (2) When the Minister of METI finds that the protection measures are in violation of the provision of the Ordinance of METI pursuant to the provision of paragraph (2) of the preceding Article, he/she may order any licensee of reprocessing activity to take corrective measures, etc.

(Operational Safety Programs)

- Article 50 (1) Any licensee of reprocessing activity shall, pursuant to the provision of the Ordinance of METI, specify operational safety programs (including rules for operational safety education related to the handling of nuclear fuel material; hereinafter the same shall apply in this Article) before commencing his/her activity, and obtain the approval of the Minister of METI. The same shall apply when the licensee of reprocessing activity intends to make amendment to such programs.
- (2) When the Minister of METI finds that the operational safety programs are not sufficient for preventing disasters resulting from spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel, he/she shall not grant the approval set forth in the preceding paragraph.
  - (3) When the Minister of METI finds that the operational safety programs need to be changed for preventing disasters resulting from spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel, he/she may order the licensee of reprocessing activity to change the operational safety programs.
  - (4) Any licensee of reprocessing activity and his/her employees must observe the

safety provisions.

- (5) Any licensee of reprocessing activity shall, pursuant to the provision of the Ordinance of METI, undergo a periodic inspection conducted by the Minister of METI concerning the compliance with the provision set forth in the preceding paragraph.
- (6) The provisions of Article 12 (6) to (8) shall apply mutatis mutandis to the inspection set forth in the preceding paragraph. In this case, the term "preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 50 (5)."

(Chief Engineer of Nuclear Fuel)

- Article 50-2 (1) Any licensee of reprocessing activity shall, pursuant to the provision of the Ordinance of METI, appoint a chief engineer of nuclear fuel from among persons who are certified chief engineers of nuclear fuel as set forth in Article 22-3 (1), pursuant to the provision of the Ordinance of METI, and have this person supervise safety concerning the operation of nuclear fuel material.
- (2) The provisions of Article 22-2 (2), Article 22-4 and Article 22-5 shall apply mutandis mutatis to the chief engineer of nuclear fuel set forth in the preceding paragraph.

(Physical Protection Program)

- Article 50-3 (1) In the case that the provision of Article 48 (2) is applicable, the licensee of reprocessing activity shall, pursuant to the provision of the Ordinance of METI, provide physical protection program and obtain approval from the Minister of METI before commencing the operation of specified nuclear fuel material. The same shall apply when the licensee of reprocessing activity intends to make changes to such programs.
- (2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection program set forth in the preceding paragraph, and the provisions of paragraphs (6) to (8) of said Article shall apply mutatis mutandis to the inspection set forth in paragraph (5) of said Article as applied mutatis mutandis pursuant to this paragraph. In this case, the term "preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 50-3 (1)" and the term "licensee of refining activity" in paragraphs (3) to (5) of said Article shall be deemed to be replaced with "licensee of reprocessing activity."

(Physical Protection Manager)

- Article 50-4 (1) In the case that the provision of Article 48 (2) is applicable, the licensee of reprocessing activity shall, pursuant to the provision of the

Ordinance of METI, appoint a physical protection manager, from among persons who satisfy the requirements provided in the Ordinance of METI related to knowledge, etc. of the operation of specified nuclear fuel material, etc., and have this physical protection manager manage activity related to the protection of specific nuclear fuel material in a consistent manner.

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

(Measures associated with Abolition of the Activity)

Article 50-5 (1) When the licensee of reprocessing activity intends to abolish his/her activity, he/she shall dismantle the reprocessing facilities, transfer the spent fuel and material separated from spent fuel that he/she possesses, eliminate the contamination caused by spent fuel, dispose of spent fuel, material separated from spent fuel and material contaminated by such material and spent fuel, and take any other measures specified in the Ordinance of METI (hereinafter referred to as "decommissioning" in this Article and the following Article).

- (2) When the licensee of reprocessing activity intends to take decommissioning measures, he/she shall draw up a plan concerning said decommissioning measures (hereinafter referred to as "decommissioning plan" in the following Article) in advance, pursuant to the provision of the Ordinance of METI, and obtain the approval of the Minister of METI.

- (3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the abolition measures of the licensee of reprocessing activity. In this case, the term "preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 50-5 (2)"; the term "two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 50-5 (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of said Article shall be deemed to be replaced with "Article 50-5 (2)"; the term "nuclear fuel material or material contaminated by nuclear fuel material" in paragraph (7) of said Article shall be deemed to be replaced with "spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel"; and the term "Article 3 (1)" in paragraph (9) of said Article shall be deemed to be replaced with "Article 44 (1)."

(Measures associated with Rescission, etc. of the Designation)

Article 51 (1) When any licensee of reprocessing activity has had his/her

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

- (2) Pursuant to the provision of the Ordinance of METI, the former licensee of reprocessing activity, etc. shall draw up a decommissioning plan for and apply for approval from the Minister of METI within the period provided for in the Ordinance of METI from the date that his/her designation as a licensee of reprocessing activity was rescinded pursuant to the provision 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. shall not take decommissioning measures for the period until he/she obtains the approval set forth in the preceding paragraph.
- (4) The provisions of Article 12-7 (4) to (9) shall apply mutatis mutandis to decommissioning measures of former licensee of reprocessing activity, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to former licensee of reprocessing activity, etc. In this case, the term "paragraph (2)" in these provisions shall be deemed to be replaced with "Article 51 (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7 (5) shall be deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 50-5 (3)"; the term "nuclear fuel material or material contaminated by nuclear fuel material." in paragraph (8) of said Article shall be 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 said Article shall be deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 50-5 (3)"; the term "paragraph (1)" in Article 22-9 (4) shall be deemed to be replaced with "Article 51 (1)," the term "licensee of fabricating or enrichment activity" shall be deemed to be replaced with "licensee of reprocessing activity" and the term "Article 16-5" shall be deemed to be replaced with "Article 46-2-2."

## Chapter V-2 Regulations Concerning the Activities of Radioactive Waste Disposal and Storage

(Permission for the Activity)

Article 51-2 (1) Any person who intends to carry out the activity of radioactive waste disposal or storage (excluding disposal carried out by a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, operator of a foreign nuclear vessel, licensee of spent fuel interim storage activity, licensee of reprocessing activity and a person who has obtained the permission set forth in Article 52 (1) at a refining facility, fuel facility, reactor facility, spent fuel interim storage facility, reprocessing facility or disposal facility provided in item (ix) of said paragraph that is associated with a usage facility provided in item (vii) of paragraph (2) of said Article) activity falling under any of the following items shall, for each category of waste listed in each of the items below, obtain the permission of the Minister of METI pursuant to the provision of the Cabinet Order:

- (i) final disposal, based on burial method, of nuclear fuel material or material contaminated with nuclear fuel material, where the radioactivity concentration of the radioactive materials specified by Cabinet Order contained in such materials exceed the criteria specified by Cabinet Order according to each type of said radioactive materials as those which have a possibility of serious impact on the health of humans (hereinafter referred to as "Category 1 waste disposal"),
  - (ii) final disposal, based on burial method, of nuclear fuel material or material contaminated with nuclear fuel material other than those provided in the preceding item (hereinafter referred to as "Category 2 waste disposal"), or
  - (iii) storage for the purpose of preventing radiation hazards which will be conducted, for the period until the commencement of Category 1 waste disposal, and Category 2 waste disposal (both, hereinafter referred to as "waste disposal") or other final disposal regarding nuclear fuel material or material contaminated with nuclear fuel material, or the other handling or treating specified by the Cabinet Order (hereinafter referred to as "radioactive waste storage").
- (2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit an application form containing the following items to the Minister of METI:
- (i) the name and address of the applicant and, in the case of a juridical person, the name of its representative,
  - (ii) the name and address of the place of activity where the waste disposal site and associated facilities (hereinafter referred to as "waste disposal facilities")

- or the equipment for radioactive waste storage facility and associated facilities (hereinafter referred to as "radioactive waste storage facility") are to be installed,
- (iii) the property and quantity of the nuclear fuel material or material contaminated with nuclear fuel material that are to be disposed of,
  - (iv) the location, structure and equipment of the waste disposal facilities or radioactive waste storage facility, and the methods of disposal or storage,
  - (v) the timing for amendment of the measures taken for the operational safety of Category 2 waste disposal in accordance with the attenuation of radioactivity, and
  - (vi) a construction plan for the waste disposal facilities or waste storage facilities.
- (3) When the Minister of MEXT, Minister of METI and Minister of MLIT intend to enact, revise or abolish the Cabinet Order set forth in item (i) of paragraph (1), they shall hear, in advance, the opinion of the Japan Atomic Energy Commission and the Nuclear Safety Commission of Japan.

(Licensing Criteria)

- Article 51-3 (1) In the case that an application for the permission set forth in paragraph (1) of the preceding Article is made, the Minister of METI shall not grant the permission in said paragraph unless he/she finds that the application conforms with each of the following items:
- (i) that granting the permission will not hinder the planned development and utilization of nuclear energy,
  - (ii) that the applicant has sufficient technical capability and financial basis sufficient for executing the activity appropriately, and
  - (iii) that the location, structure and equipment of the waste disposal facilities or waste storage facilities are such that they will not hinder the prevention of disasters resulting from nuclear fuel material or material contaminated with nuclear fuel material.
- (2) In granting the permission set forth in paragraph (1) of the preceding Article, the Minister of METI shall hear, in advance, the opinion of the Japan Atomic Energy Commission with respect to the application of the criteria provided in items (i) and (ii) of the preceding paragraph (limited to the portion pertaining to financial basis only), and the opinion of the Nuclear Safety Commission of Japan with respect to the application of the criteria provided in item (ii) (limited to the portion pertaining to technical capability only) and item (iii).

(Ineligibility for the Permission)

- Article 51-4 Any person who falls under any of the following items shall not be granted the permission set forth in Article 51-2 (1):

- (i) a person whose permission set forth in Article 51-2 (1) has been rescinded pursuant to the provision of Article 51-14 (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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended,
- (iii) an adult ward, or
- (iv) a juridical person whose executive officials fall under any of the three preceding items.

(Permission for and Notification of Amendments)

Article 51-5 (1) When any person who has obtained the permission set forth in Article 51-2 (1) (hereinafter referred to as "licensee of radioactive waste disposal or storage activity") intends to change any matter provided for in items (ii) to (v) of paragraph (2) of said Article, he/she shall obtain the permission of the Minister of METI, pursuant to the provision of the Cabinet Order; provided, however, that this shall not apply to changing, from among the matters listed in item (ii) of said paragraph, only the name of the place of activity.

- (2) When a licensee of facilities for radioactive waste disposal or storage has changed any matter provided for in item (i) or (vi) of Article 51-2 (2), except the case provided for in Article 51-13 (1), he/she shall notify the Minister of METI of the change within thirty days from the day that the change was made. The same shall apply to amendments made to, from among the matters listed in item (ii) of said paragraph, only the name of the place of activity.
- (3) The provision of Article 51-3 shall apply mutatis mutandis to the permission set forth in paragraph (1).

(Confirmation related to Waste Disposal)

Article 51-6 (1) In the case where a person who has obtained the permission for conducting a waste disposal activity pursuant to the provision of Article 51-2 (1) (hereinafter referred to as "licensee of waste disposal activity") carries out waste disposal, he/she shall obtain the confirmation of the Minister of METI, as pursuant to the provision of the Ordinance of METI, to the compliance of his/her waste disposal facilities (excluding specified waste disposal facilities provided in paragraph (1) of the following Article for waste disposal facilities pertaining to the activity of Category 1 waste disposal) and the compliance of related measures for safety operation with the technical standard provided by the Ordinance of METI.

- (2) When the licensee of waste disposal activity carries out waste disposal, he/she



shall obtain the confirmation of the Minister of METI, pursuant to the provision of the Ordinance of METI, as to the compliance of the nuclear fuel material or the material contaminated with nuclear fuel material to be disposed of and the compliance of related measures for operational safety with the technical standard specified by the Ordinance of METI.

- (3) The Minister of METI shall, pursuant to the provision of the Ordinance of METI, delegate part of the affairs relating to the confirmation set forth in paragraph (1) to JNES.
- (4) When JNES has conducted part of the affairs relating to the confirmation as pursuant to the provision of the preceding paragraph, JNES shall, without delay, notify the Minister of METI of the results, pursuant to the provision of the Ordinance of METI.

(Approval of the Design and Construction Method)

Article 51-7 (1) Before commencing construction work on the waste disposal facilities pertaining to the licensee of Category 1 waste disposal activity provided in the Cabinet Order (hereinafter referred to as "specified waste disposal facilities") or the facilities for radioactive waste storage provided in the Cabinet Order (hereinafter referred to as "specified waste storage facilities"), any licensee of Category 1 waste disposal activity (a person who has obtained the permission for the Category 1 waste disposal activity pursuant to the provision of Article 51-2 (1); the same shall apply hereinafter) or licensee of radioactive waste storage (person who has obtained the permission for the radioactive waste storage pursuant to the provision of said paragraph; the same shall apply hereinafter) shall, pursuant to the provision of the Ordinance of METI, obtain the approval of the Minister of METI with respect to the design and construction methods of the specified waste disposal facilities or specified waste storage facilities (except for welding methods pertaining to specified waste disposal facilities or specified waste storage facilities provided in Article 51-9 (1) that are to be welded; hereinafter the same shall apply in this Article). The same shall also apply when making modifications to said specified waste disposal facilities or specified waste storage facilities.

- (2) When any licensee of Category 1 waste disposal activity or licensee of waste storage facilities intends to amend the design and construction methods related to a specified waste disposal facility or specified waste storage facility for which the approval set forth in the preceding paragraph has been obtained, he/she shall obtain approval from the Minister of METI pursuant to the Ordinance of METI; provided, however, that this shall not apply to a minor amendment as provided for by the Ordinance of METI.
- (3) When the Minister of METI finds that the design and construction method pertaining to the application for the approval set forth in the two preceding

paragraphs conform with the following items, he/she shall grant the approval set forth in the two preceding paragraphs:

- (i) the design and construction methods have been given the permission set forth in Article 51-2 (1) or Article 51-5 (1), or an application for permission has been submitted pursuant to the provision of paragraph (2) of said Article, and
  - (ii) the design and construction methods conform with the technical standards prescribed by the Ordinance of METI.
- (4) When any licensee of Category 1 waste disposal activity or licensee of waste storage facilities has made a minor amendment to the design and construction methods, as provided for by the Ordinance of METI under the proviso of paragraph (2), of a specified waste disposal facility or specified waste storage facility for which the approval set forth in paragraph (1) has been obtained, he/she shall notify the Minister of METI of the minor amendment.

(Pre-service Inspection)

Article 51-8 (1) Any licensee of Category 1 waste disposal activity or licensee of waste storage facilities shall subject his/her specified waste disposal facilities or specified waste storage facilities to an inspection concerning their construction work (except for the specified waste disposal facilities or specified waste storage facilities provided for in paragraph (1) of the following Article on which welding is to be performed; hereinafter the same shall apply in the following paragraph) and performance by the Minister of METI, pursuant to the provision of the Ordinance of METI, and shall not use the specified waste disposal facilities or specified waste storage facilities until after they have passed the inspection. The same shall apply to specified waste disposal facilities or specified waste storage facilities when amendments are made to such specified waste disposal facilities or specified waste storage facilities.

- (2) The inspection set forth in the preceding paragraph shall be considered as passing when the specified waste disposal facilities or specified waste storage facilities conform with each of the following items:
- (i) that the construction work has been carried out in compliance with the design and method for which the approval set forth in paragraph (1) of the preceding Article (or modified design and method in the case that there has been approval or notification regarding a amendment pursuant to the provision of paragraph (2) or paragraph (4) of said Article) has been obtained, and
  - (ii) that their performance conforms with the technical standards prescribed by the Ordinance of METI.
- (3) The provisions of Article 16-3 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1).

(Welding Method and Inspection)

- Article 51-9 (1) Any liquid waste tanks used for storing nuclear fuel material or material contaminated with nuclear fuel material, and any other specified waste disposal facilities or specified waste storage facilities specified by the Ordinance of METI that are to be welded shall be inspected by the Minister of METI with respect to the welding, pursuant to the Ordinance of METI, and the licensee of Category 1 waste disposal activity or licensee of the radioactive waste storage activity shall not use such tanks or facilities until after they have passed the inspection; provided, however, that this shall not apply to the case specified in paragraph (4) and cases specified by the Ordinance of METI.
- (2) A person who intends to undergo the inspection set forth in the preceding paragraph shall obtain approval from the Minister of METI concerning the method of welding, pursuant to the provision of the Ordinance of METI.
- (3) The inspection set forth in paragraph (1) shall be considered as passing when welding conforms with each of the following items:
- (i) welding is being carried out in compliance with the method for which the approval set forth in the preceding paragraph has been obtained, and
  - (ii) welding conforms with the technical standards prescribed by the Ordinance of METI.
- (4) specified waste disposal facilities or specified waste storage facilities involving welding specified in paragraph (1) that have also been imported shall be inspected by the Minister of METI concerning the welding pursuant to the provision of the Ordinance of METI, and the licensee of Category 1 waste disposal activity or licensee of the waste storage activity shall not use the facilities until after they have passed the inspection.
- (5) The inspection set forth in the preceding paragraph shall be considered as passing when the welding conforms with the technical standard specified in item (ii) of paragraph (3).

(Facility Periodic Inspection)

- Article 51-10 (1) Any licensee of Category 1 waste disposal activity or licensee of the radioactive waste storage activity shall, pursuant to the provision of the Ordinance of METI, undergo an inspection conducted at intervals of not less than one year as specified in the Ordinance of METI by the Minister of METI concerning the performance of the specified waste disposal facilities or specified waste storage facilities specified by Cabinet Order; provided, however, that this shall not apply to facilities pertaining to plans for which the approval set forth in Article 51-24-2 (1) or Article 51-25 (2) has been obtained, unless otherwise provided for by the Ordinance of METI.
- (2) The inspection set forth in the preceding paragraph shall be conducted with

regard to whether the performance of the specified waste disposal facilities or specified waste storage facilities conforms with the technical standard specified in the Ordinance of METI.

(3) The provisions of Article 16-5 (3) and (4) shall apply mutatis mutandis to the inspection set forth in paragraph (1).

(Notification of Commencement of the Activity, etc.)

Article 51-11 When a licensee of radioactive waste disposal or storage has commenced, suspended or restarted his/her activity, he/she shall notify the Minister of METI within fifteen days from the day concerned.

(Merger)

Article 51-12 (1) In the case of a merger of juridical persons who are licensees of radioactive waste disposal or storage (except in the case of a merger of a juridical person who is a licensee of radioactive waste disposal or storage and a juridical person who is not a licensee of radioactive waste disposal or storage, and where the juridical person who is the licensee of radioactive waste disposal or storage continues to exist), when the approval of the Minister of METI has been obtained for the merger, the juridical person who is to continue to exist after the merger, or the juridical person who has been established by the merger shall succeed the status of licensee of radioactive waste disposal or storage.

(2) The provisions of items (i) and (ii) of Article 51-3 (1), paragraph (2) of said Article, and Article 51-4 shall 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, the inheritor shall succeed the status of the licensee of radioactive waste disposal or storage.

(2) The inheritor who has succeeded the status of the licensee of radioactive waste disposal or storage pursuant to the provision set forth in the preceding paragraph shall notify the Minister of METI of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of the Permission)

Article 51-14 (1) When a licensee of radioactive waste disposal or storage fails to commence his/her activity within the period provided for in the Ordinance of METI, or suspends his/her activity for more than one year continuously, without a justifiable grounds, the Minister of METI may rescind the permission set forth in Article 51-2 (1).

- (2) When a licensee of radioactive waste disposal or storage falls under any of the following items, the Minister of METI may rescind the permission set forth in Article 51-2 (1), or specify a period not exceeding one year and order suspension of activity for that period:
- (i) when a licensee of radioactive waste disposal or storage falls under one of items (ii) to (iv) of Article 51-4,
  - (ii) when he/she has changed a matter for which he/she should have obtained permission pursuant to the provision of Article 51-5 (1), without permission,
  - (iii) when he/she has violated the provision of Article 51-6,
  - (iv) when he/she has violated an order pursuant to the provision of Article 51-17,
  - (v) when he/she has violated the provision of Article 51-18 (1) or (4), or an order pursuant to the provision of paragraph (3) of said Article,
  - (vi) when he/she has violated an order pursuant to the provision of Article 51-22,
  - (vii) when he/she has violated an order pursuant to the provision of Article 51-23 (1),
  - (viii) when he/she has violated an order pursuant to the provision of Article 12-2 (3) as applied mutatis mutandis pursuant to Article 51-23 (2),
  - (ix) when he/she has violated the provision of Article 12-2 (4) as applied mutatis mutandis pursuant to Article 51-23 (2),
  - (x) when he/she has violated the provision of Article 51-24 (1),
  - (xi) when he/she has violated an order pursuant to the provision of Article 12-5 as applied mutatis mutandis pursuant to Article 51-24 (2),
  - (xii) when he/she has violated the provision of Article 51-24-2 (1) or (2),
  - (xiii) when he/she has abolished his/her radioactive waste disposal or storage activity in violation of the provision of Article 51-25 (1),
  - (xiv) when he/she has violated the provision of Article 51-25 (2),
  - (xv) when he/she has violated the provision of Article 58 (2), or has violated an order pursuant to the provision of paragraph (3) of said Article,
  - (xvi) when he/she has violated the provision of Article 59 (2), or has violated an order pursuant to the provision of paragraph (4) of said Article,
  - (xvii) when he/she has violated the provision of Article 59-2 (2),
  - (xviii) when he/she has violated the provision of Article 61-8 (1) or (4), or has violated an order pursuant to the provision of paragraph (3) of said Article,
  - (xix) when he/she has violated the conditions of Article 62-2 (1) or (2),
  - (xx) when he/she has violated the provision of Article 6 of the Act on Compensation for Nuclear Damage, or
  - (xxi) when he/she has violated an order pursuant to Article 7 (4), Article 8 (5), Article 9 (7) or Article 11 (6) of the Act on Special Law of Nuclear Emergency Preparedness.

(Records)

Article 51-15 Pursuant to the provision of the Ordinance of METI, the licensee of waste disposal or storage activity shall record the matters specified in the Ordinance of METI concerning the execution of the waste disposal or radioactive waste storage, and keep this record at the place of activity.

(Measures to Be Taken for Operational Safety and Physical Protection of Specific Nuclear Fuel Material)

Article 51-16 (1) Any licensee of Category 1 waste disposal activity shall, pursuant to the provision of the Ordinance of METI, take necessary measures for operational safety concerning the following matters:

- (i) maintenance etc. of waste disposal facilities,
- (ii) operation of equipment pertaining to auxiliary facilities at waste disposal sites (hereinafter referred to as "auxiliary equipment"), and
- (iii) shipment or disposal of nuclear fuel material or material contaminated with nuclear fuel material (shipment or disposal shall be limited to the place of activity where the waste disposal facilities have been installed).

(2) A person who has obtained the permission for the Category 2 waste disposal activity pursuant to the provision of Article 51-2 (1) (hereinafter referred to as "licensee of Category 2 waste disposal activity") shall establish the necessary measures for operational safety concerning the following matters, pursuant to the provision of the Ordinance of METI in accordance with the attenuation of radioactivity of nuclear fuel material or material contaminated with nuclear fuel material:

- (i) maintenance etc. of waste disposal facilities, and
- (ii) shipment or disposal of nuclear fuel material or material contaminated with nuclear fuel material (shipment or disposal shall be limited to within the place of activity where waste disposal facilities have been installed).

(3) Any licensee of waste storage facilities shall, pursuant to the provision of the Ordinance of METI, take necessary measures for operational safety concerning the following matters:

- (i) maintenance etc. of waste storage facilities,
- (ii) operation of equipment for radioactive waste storage, and
- (iii) shipment or disposal of nuclear fuel material or material contaminated with nuclear fuel material (shipment and disposal shall be limited to within the place of activity where waste storage facilities have been installed).

(4) Any licensee of radioactive waste disposal or storage activity who handles specified nuclear material at the place of activity where waste disposal facilities or waste storage facilities have been installed shall, if provided for by Cabinet Order, take physical protection measures pursuant to the provision of

the Ordinance of METI.

(Suspension, etc. of the Use of Facilities)

- Article 51-17 (1) When the Minister of METI finds that the performance of the specified waste disposal facilities or specified waste storage facilities does not conform with the technical standard set forth in Article 51-10 (2), or that the measures pertaining to the maintenance etc. of waste disposal facilities or waste storage facilities, the operation of the auxiliary equipment or equipment for radioactive waste disposal or storage, or the shipment or disposal of nuclear fuel material or material contaminated by nuclear fuel material (shipment and disposal shall be limited to within the place of activity where waste disposal facilities or waste storage facilities have been installed) are in violation of the provision of the Ordinance of METI pursuant to the provision of paragraph (1), (2) or (3) of the preceding Article, he/she may order any licensee of radioactive waste disposal or storage to suspend use, remodel, repair or change the location of the waste disposal facilities or waste storage facilities, designate a method for operating the auxiliary equipment or waste storage equipment, or order the necessary measures for operational safety to be taken.
- (2) When the Minister of METI finds that the physical protection measures are in violation of the provision of the Ordinance of METI pursuant to the provision of paragraph (4) of the preceding Article, he/she may order licensee of any waste disposal or storage activity to take corrective measures, etc.

(Operational Safety Programs)

- Article 51-18 (1) Any licensee of radioactive waste disposal or storage shall, pursuant to the provision of the Ordinance of METI, specify operational safety programs (including rules for education on operational safety related to the handling of nuclear fuel material; hereinafter the same shall apply in this Article) before commencing his/her activity, and obtain the approval of the Minister of METI. The same shall apply when the licensee of radioactive waste disposal or storage intends to amend such programs.
- (2) When the Minister of METI finds that the operational safety programs are not sufficient for prevention of disaster resulting from nuclear fuel material or material contaminated with nuclear fuel material, he/she shall not grant the approval set forth in the preceding paragraph.
- (3) When the Minister of METI finds that the operational safety programs need to be amended for prevention of disaster resulting from nuclear fuel material or material contaminated with nuclear fuel material, he/she may order the licensee of radioactive waste disposal or storage to amend the operational safety programs.
- (4) Any licensee of radioactive waste disposal or storage and his/her employees

must observe the operational safety programs.

- (5) Any licensee of radioactive waste disposal or storage shall, pursuant to the provision of the Ordinance of METI, undergo a periodic inspection conducted by the Minister of METI concerning the compliance with the provision set forth in the preceding paragraph.
- (6) The provisions of Article 12 (6) to (8) shall apply mutatis mutandis to the inspection set forth in the preceding paragraph. In this case, the term "preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 51-18 (5)."

(Reception, etc. of Waste Disposal Site)

Article 51-19 (1) Any person who intends to receive a waste disposal site or entire facilities that include a waste disposal site from a licensee of the waste disposal activity who has installed the repository or such facilities shall obtain the permission of the Minister of METI, pursuant to the provision of the Cabinet Order.

- (2) The provisions of Article 51-3 and Article 51-4 shall apply mutatis mutandis to the permission set forth in the preceding paragraph.
- (3) A person who has obtained the permission set forth in paragraph (1) and received a waste disposal site or entire facilities that include a waste disposal site from a licensee of the waste disposal activity who has installed the waste disposal site or such facilities shall succeed the status of licensee of the waste disposal activity with respect to the relevant repository.

(Chief Engineer of Radioactive Waste)

Article 51-20 (1) Any licensee of radioactive waste disposal or storage shall, pursuant to the provision of the Ordinance of METI, appoint a chief engineer of radioactive waste from among persons who are certified chief engineer of nuclear fuel as set forth in Article 22-3 (1) and persons who possess the qualifications specified in the Ordinance of METI, and have this person supervise operational safety concerning the handling of nuclear fuel material or material contaminated with nuclear fuel material.

- (2) When any licensee of radioactive waste disposal or storage has appointed the chief engineer of radioactive waste pursuant to the provision of the preceding paragraph, he/she shall notify the Minister of METI of the appointment within thirty days of the date of appointment. The same shall apply to the dismissal of the chief engineer of radioactive waste.

(Duties, etc. of the Chief Engineer of Radioactive Waste)

Article 51-21 (1) The chief engineer of radioactive waste shall execute his/her duties related to the handling of nuclear fuel material or material



contaminated with nuclear fuel material in the waste disposal or radioactive waste storage in good faith.

- (2) Any person who is engaged in the handling of nuclear fuel material or material contaminated with nuclear fuel material in the waste disposal or radioactive waste storage shall comply with the instructions for safe handling of such nuclear fuel material or material contaminated with nuclear fuel material given by the chief engineer of radioactive waste.

(Order to Dismiss the Chief Engineer of Radioactive Waste)

Article 51-22 When the chief engineer of radioactive waste has violated the provisions of this Act or an order pursuant to this Act, the Minister of METI may order any licensee of radioactive waste disposal or storage to dismiss the chief engineer of radioactive waste.

(Physical Protection Program)

Article 51-23 (1) In the case that the provision of Article 51-16 (4) is applicable, the licensee of radioactive waste disposal or storage shall, pursuant to the provision of the Ordinance of METI, provide physical protection program and obtain approval from the Minister of METI before commencing the operation of specified nuclear fuel material. The same shall apply when the licensee of waste disposal or storage facilities intends to make amendment to such programs.

- (2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection program set forth in the preceding paragraph, and the provisions of paragraphs (6) to (8) of said Article shall apply mutatis mutandis to the inspection set forth in paragraph (5) of said Article as applied mutatis mutandis pursuant to this paragraph. In this case, the term "preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 51-23 (1)" and the term "licensee of refining activity" in paragraphs (3) to (5) of said Article shall be deemed to be replaced with "licensee of radioactive waste disposal or storage."

(Physical Protection Manager)

Article 51-24 (1) In the case that the provision of Article 51-16 (4) is applicable, the licensee of radioactive waste disposal or storage shall, pursuant to the provision of the Ordinance of METI, appoint a physical protection manager, from among persons who satisfy the requirements provided in the Ordinance of METI related to knowledge, etc. of the operation of specified nuclear fuel material, etc., and have this physical protection manager manage activity related to the physical protection of specified nuclear fuel material in a consistent manner.

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

(Measures associated with the Closure of Tunnels)

Article 51-24-2 (1) When any licensee of Category 1 waste disposal activity intends to close a tunnel, he/she shall, pursuant to the provision of the Ordinance of METI, draw up a plan (hereinafter referred to as "closure plan") in advance related to the backfilling of the tunnel, blocking of the tunnel opening, and any other measures specified in the Ordinance of METI (hereinafter referred to as "closure") regarding the relevant tunnel, and obtain the approval of the Minister of METI.

(2) Any licensee of Category 1 waste disposal activity shall, pursuant to the provision of the Ordinance of METI, obtain a confirmation from the Minister of METI for each process for closure of a tunnel as provided for in the Ordinance of METI indicating that the closure that are being taken comply with the plan for closure for which the approval set forth in the preceding paragraph was obtained (or modified closure plan in the case that there has been approval or notification for change based on the provision of Article 12-6 (3) or (5) as applied mutatis mutandis pursuant to the following paragraph).

(3) The provisions of Article 12-6 (3) to (7) shall apply mutatis mutandis to the closure of the licensee of Category 1 waste disposal activity. In this case, the term "decommissioning plan" in these provisions shall be deemed to be replaced with "closure plan"; the term "preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 51-24-2 (1)"; the term "two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 51-24-2 (1) and the preceding paragraph"; and the term "paragraph (2)" in paragraphs (5) and (6) of said Article shall be deemed to be replaced with "Article 51-24-2 (1)."

(Measures associated with Abolition of the Activity)

Article 51-25 (1) When the licensee of radioactive waste disposal or storage intends to abolish his/her activity, he/she shall dismantle the facilities for radioactive waste disposal or storage, eliminate the contamination caused by nuclear fuel material, dispose of material contaminated with nuclear fuel material, and take any other measures specified in the Ordinance of METI (hereinafter referred to as "decommissioning" in this Article and the following Article).

- (2) When the licensee of waste disposal or waste storage intends to take decommissioning, he/she shall draw up a plan concerning said decommissioning (hereinafter referred to as "decommissioning plan" in the following Article) in advance, pursuant to the provision of the Ordinance of METI, and obtain the approval of the Minister of METI.
- (3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning of the licensee of radioactive waste disposal or storage. In this case, the term "preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 51-25 (2)"; the term "two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 51-25 (2) and the preceding paragraph"; the term "paragraph (2)" in paragraphs (5) and (6) of said Article shall be deemed to be replaced with "Article 51-25 (2)"; and the term "designation set forth in Article 3 (1)" in paragraph (9) of said Article shall be deemed to be replaced with "permission set forth in Article 51-2 (1)."

(Measures associated with Rescission, etc. of the Permission)

- Article 51-26 (1) When any licensee of radioactive waste disposal or storage has had his/her permission rescinded pursuant to the provision of Article 51-14, or when any licensee of radioactive waste disposal or storage has dissolved or died, and there is no inheritance pursuant to the provision of Article 51-12 (1) or Article 51-13 (1), the former licensee of radioactive waste disposal or storage, etc. (a person who controls the inherited property in lieu of the liquidator, bankruptcy trustee or heir when the licensee of radioactive waste disposal or storage has had his/her permission rescinded pursuant to the provision of Article 51-14 or when the licensee of radioactive waste disposal or storage has dissolved or died, and there is no inheritance pursuant to the provision of Article 51-12 (1) or Article 51-13 (1); the same shall apply hereinafter) shall be deemed to be the licensee of radioactive waste disposal or storage regarding the application of the provisions of Article 51-10, Articles 51-15 to 51-18 and Articles 51-20 to 51-24-2 (including penal provisions pertaining to these provisions) for the period until the confirmation as provided for in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.
- (2) Pursuant to the provision of the Ordinance of METI, the former licensee of radioactive waste disposal or storage, etc. shall draw up a plan for decommissioning and apply for approval from the Minister of METI within the period provided for in the Ordinance of METI from the date that his/her designation as a licensee of radioactive waste disposal or storage was rescinded pursuant to the provision of Article 51-14 or the date of dissolution or death of the licensee of radioactive waste disposal or storage.
- (3) The former licensee of radioactive waste disposal or storage, etc. shall not

take decommissioning for the period until he/she obtains the approval set forth in the preceding paragraph.

- (4) The provisions of Article 12-7 (4) to (9) shall apply mutatis mutandis to decommissioning of former licensees of radioactive waste disposal or storage, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to former licensees of radioactive waste disposal or storage, etc. (excluding persons concerned with licensees of Category 2 waste disposal activity). In this case, the term "paragraph (2)" in these provisions shall be deemed to be replaced with "Article 51-26 (2)"; the term "paragraph (4) of the preceding Article" in Article 12-7 (5) shall be deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 51-25 (3)"; the term "paragraph (8) of the preceding Article" in paragraph (9) of said Article shall be deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 51-25 (3)"; and the term "paragraph (1)" in Article 22-9 (4) shall be deemed to be replaced with "Article 51-26 (1)," the term "licensee of fabricating activity" shall be deemed to be replaced with "licensee of radioactive waste disposal or storage (excluding licensees of Category 2 waste disposal activity)" and the term "Article 16-5" shall be deemed to be replaced with "Article 51-10."

### **Chapter V-3 Regulations Concerning the Use, etc. of Nuclear Fuel Material, etc.**

(Permission for Use)

- Article 52 (1) Any person who intends to use nuclear fuel material shall, pursuant to the provision of the Cabinet Order, obtain the permission of the Minister of MEXT; provided, however, that this shall not apply to a case that falls under any of the following items:
- (i) when a Licensee of refining activity provides nuclear fuel material in the refining activity,
  - (ii) when a licensee of fabricating or enrichment provides nuclear fuel material in the fabricating or enrichment activity,
  - (iii) when a reactor establisher and operator of a foreign nuclear vessel use nuclear fuel material as fuel for reactors,
  - (iv) when a Licensee of reprocessing activity provides nuclear fuel material in the reprocessing activity, or
  - (v) when a type and quantity of nuclear fuel material specified by Cabinet Order is used.
- (2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit to the Minister of MEXT an application form containing the following matters:

- (i) the name and address and, in the case of a juridical person, the name of its representative,
- (ii) the purpose and method of use,
- (iii) the type of nuclear fuel material,
- (iv) the location of use,
- (v) the estimated period of use and the estimated quantity to be used in one year (in the case where the estimated period is less than one year, the estimated period of use),
- (vi) the method of disposition of the spent fuel,
- (vii) the location, structure and equipment of facilities in which nuclear fuel material is to be used (hereinafter referred to as "usage facilities"),
- (viii) the location, structure and equipment of facilities in which nuclear fuel material is to be stored (hereinafter referred to as "storage facilities"), and
- (ix) the location, structure and equipment of facilities where nuclear fuel material and material contaminated by nuclear fuel material are to be disposed of (hereinafter referred to as "disposal facilities").

(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 Minister of MEXT shall not grant the permission in said paragraph unless he/she finds that the application conforms with each of the following items:

- (i) that nuclear fuel material will not be utilized for non-peaceful purposes,
- (ii) that granting the permission will not hinder the planned research, development and utilization of atomic energy,
- (iii) that the location, structure and equipment of the usage facilities, storage facilities or disposal facilities (hereinafter referred to as "usage facilities, etc.") are such that they will not hinder the prevention of disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, and
- (iv) that the applicant has sufficient technical capability for using nuclear fuel material competently.

(Ineligibility for the Permission)

Article 54 Any person who falls under the following items shall not be granted the permission set forth in Article 52 (1):

- (i) a person whose permission set forth in Article 52 (1) has been rescinded pursuant to the provision 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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to

- this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended,
- (iii) an adult ward, or
  - (iv) a juridical person any of whose executive officials falls under any of the three preceding items.

(Permission for and Notification of Changes)

- Article 55 (1) When any person who has obtained the permission set forth in Article 52 (1) (hereinafter referred to as "user") intends to change any matter provided for in items (ii) to (iv), or items (vi) to (ix) of paragraph (2) of said Article, he/she shall obtain the permission of the Minister of MEXT, pursuant to the provision of the Cabinet Order.
- (2) When a user has changed any matter provided for in item (i) or (v) of Article 52 (2), he/she shall notify the Minister of MEXT of the change within thirty days from the day that the change was made.
  - (3) The provision of Article 53 shall apply mutatis mutandis to the permission set forth in paragraph (1).

(Inspection of Facilities)

- Article 55-2 (1) Any user shall, pursuant to the Ordinance of MEXT, undergo an inspection by the Minister of MEXT concerning the construction work of the usage facilities, etc. for nuclear fuel material provided by Cabinet Order (except for welding of usage facilities, etc. provided in paragraph (1) of the following Article that are to be welded; hereinafter the same shall apply in the following paragraph), and shall not use said usage facilities, etc. until after they have passed the inspection. The same shall apply to usage facilities, etc. when changes are made to such usage facilities, etc.
- (2) The inspection set forth in the preceding paragraph shall be considered as passing when the construction work of the usage facilities, etc. conforms with the technical standards prescribed by the Ordinance of MEXT.

(Welding Inspection)

- Article 55-3 (1) Any container used for storing nuclear fuel material and other usage facilities, etc. specified by the Ordinance of METI that are to be welded shall be inspected by the Minister of MEXT when welding is to be performed, as provided for by the Ordinance of MEXT, and the user may not use the container or usage facilities, etc. until after they have passed the inspection; provided, however, that this shall not apply to cases specified by the Ordinance of MEXT.
- (2) The inspection set forth in the preceding paragraph shall be considered as passing when welding conforms with each of the technical standards specified

in the Ordinance of MEXT.

(Rescission, etc. of the Permission)

Article 56 When a user falls under any of the following items, the Minister of MEXT may rescind the permission set forth in Article 52 (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 falls under one of items (ii) to (iv) of Article 54,
- (ii) when he/she has changed a matter for which he/she should have obtained permission pursuant to the provision of Article 55 (1), without permission,
- (iii) when he/she has violated the provision of Article 56-3 (1) or (4), or an order pursuant to the provision of paragraph (3) of said Article,
- (iv) when he/she has violated the technical standards set forth in Article 57 (1), Article 57-4 or Article 57-5,
- (v) when he/she has violated an order pursuant to the provision of Article 57 (3),
- (vi) when he/she has violated the provision of Article 57-2 (1),
- (vii) when he/she has violated an order pursuant to the provision of Article 12-2 (3) as applied mutatis mutandis pursuant to Article 57-2 (2),
- (viii) when he/she has violated the provision of Article 12-2 (4) as applied mutatis mutandis pursuant to Article 57-2 (2),
- (ix) when he/she has violated the provision of Article 57-3 (1),
- (x) when he/she has violated an order pursuant to the provision of Article 12-5 as applied mutatis mutandis pursuant to Article 57-3 (2),
- (xi) when he/she has abolished all use of nuclear fuel materials in violation of the provision of Article 57-6 (1),
- (xii) when he/she has violated the provision of Article 57-6 (2),
- (xiii) when he/she has violated the provision of Article 58 (2), or has violated an order pursuant to the provision of paragraph (3) of said Article,
- (xiv) when he/she has violated the provision of Article 59 (2), or has violated an order pursuant to the provision of paragraph (4) of said Article,
- (xv) when he/she has violated the provision of Article 59-2 (2),
- (xvi) when he/she has violated the provision of Article 61-8 (1) or (4), or has violated an order pursuant to the provision of paragraph (3) of said Article,
- (xvii) when he/she has violated the conditions of Article 62-2 (1) or (2),
- (xviii) when he/she has violated the provision of Article 6 of the Act on Compensation for Nuclear Damage, or
- (xix) when he/she has violated an order pursuant to Article 7 (4), Article 8 (5), Article 9 (7) or Article 11 (6) of the Act on Special Law of Nuclear Emergency Preparedness.

(Records)

Article 56-2 Pursuant to the provision of the Ordinance of MEXT, the user shall record the matters specified in the Ordinance of MEXT concerning the use of nuclear fuel material, and keep this record at the factory or the place of business.

(Operational Safety Provisions)

Article 56-3 (1) When any user uses nuclear fuel material specified by Cabinet Order, he/she shall, pursuant to the provision of the Ordinance of MEXT, specify operational safety regulations (including regulations for education on operational safety related to the operation of nuclear fuel material; hereinafter the same shall apply in this Article) before using such material, and obtain the approval of the Minister of MEXT. The same shall apply when the user intends to make changes to such regulations.

(2) When the Minister of MEXT finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, he/she shall not grant the approval set forth in the preceding paragraph.

(3) When the Minister of MEXT finds that the safety provisions need to be changed for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, he/she may order the user to change the safety provisions.

(4) Any user and his/her employees shall observe the safety provisions.

(5) Any user shall, pursuant to the provision of the Ordinance of MEXT, undergo a periodic inspection conducted by the Minister of MEXT concerning the compliance with the provision set forth in the preceding paragraph.

(6) The provisions of Article 12 (6) to (8) shall apply mutatis mutandis to the inspection set forth in the preceding paragraph. In this case, the term "preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 56-3 (5)," the term "Minister of METI" shall be deemed to be replaced with "Minister of MEXT" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of MEXT."

(Criteria, etc. for Use and Storage)

Article 57 (1) When any user uses or stores nuclear fuel material, he/she shall take the necessary safety measures in compliance with the technical standards specified by the Ordinance of MEXT.

(2) Any user who handles specified nuclear fuel material at a factory or a place of business at which usage facilities, etc. have been installed shall, if provided for by Cabinet Order, take protection measures pursuant to the provision of the Ordinance of MEXT.

(3) When the Minister of MEXT finds that the protection measures are in



violation of the provision of the Ordinance of MEXT pursuant to the provision set forth in the preceding paragraph, he/she may order the user to take corrective actions, etc.

(Provisions for the Protection of Nuclear Material)

Article 57-2 (1) In the case that the provision of paragraph (2) of the preceding Article is applicable, the user shall, pursuant to the provision of the Ordinance of MEXT, provide regulations for the protection of nuclear material and obtain approval from the Minister of MEXT before commencing the operation of specified nuclear fuel material. The same shall apply when the user intends to make changes to such regulations.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the regulations for the protection of nuclear material set forth in the preceding paragraph, and the provisions of paragraphs (6) to (8) of said Article shall apply mutatis mutandis to the inspection set forth in paragraph (5) of said Article as applied mutatis mutandis pursuant to this paragraph. In this case, the term "Minister of METI" in paragraph (2) of said Article shall be deemed to be replaced with "Minister of MEXT" and the term "preceding paragraph" shall be deemed to be replaced with "Article 57-2 (1)"; the term "Minister of METI" in paragraph (3) of said Article shall be deemed to be replaced with "Minister of MEXT" and the term "refining licensee" shall be deemed to be replaced with "user"; the term "refining licensee" in paragraph (4) of said Article shall be deemed to be replaced with "user"; the term "licensee of refining activity" in paragraph (5) of said Article shall be deemed to be replaced with "user," the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of MEXT" and the term "Minister of METI" shall be deemed to be replaced with "Minister of MEXT"; the term "Minister of METI" in paragraph (6) of said Article shall be deemed to be replaced with "Minister of MEXT" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of MEXT."

(Physical Protection Manager)

Article 57-3 (1) In the case that the provision of Article 57 (2) is applicable, the user shall, pursuant to the provision of the Ordinance of MEXT, appoint a physical protection manager, from among persons who satisfy the requirements provided in the Ordinance of MEXT related to knowledge, etc. of the operation of specified nuclear fuel material, etc., and have this physical protection manager manage the business related to the physical protection of specific nuclear fuel material in a consistent manner.

(2) The provisions of Article 12-3 (2), Article 12-4 and Article 12-5 shall apply mutatis mutandis to the physical protection manager set forth in the preceding

paragraph. In this case, the term "licensee of refining activity" in these provisions shall be deemed to be replaced with "user," the term "Minister of METI" shall be deemed to be replaced with "Minister of MEXT" and the term "refining facilities" shall be deemed to be replaced with "usage facilities, etc."

(Standards for Disposal)

Article 57-4 Any user disposing of nuclear fuel material or material contaminated by nuclear fuel material (limited to disposal conducted at a factory or a place of business where usage facilities, etc. have been installed) shall take the necessary safety measures in compliance with the technical standards specified in the Ordinance of MEXT.

(Standards for Shipment)

Article 57-5 Any user shipping nuclear fuel material or material contaminated by nuclear fuel material (limited to shipment within a factory or a place of business where usage facilities, etc. have been installed) shall take the necessary safety measures in compliance with the technical standards specified in the Ordinance of MEXT.

(Measures associated with Abolition of Use)

- Article 57-6 (1) When any user intends to abolish all use of nuclear fuel materials, he/she shall dismantle the usage facilities, etc., transfer the nuclear fuel material that he/she possesses, eliminate the contamination caused by nuclear fuel material, dispose of material contaminated by nuclear fuel material, and take other measures specified in the Ordinance of MEXT (hereinafter referred to as "abolition measures" in this Article and the following Article).
- (2) When any user intends to take abolition measures, he/she shall draw up a plan concerning said abolition measures (hereinafter referred to as "plan for abolition measures" in the following Article) in advance, pursuant to the provision of the Ordinance of MEXT, and obtain the approval of the Minister of MEXT.
- (3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the abolition measures of the user. In this case, the term "Minister of METI" in these provisions shall be deemed to be replaced with "Minister of MEXT"; the term "preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 57-6 (2)" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of MEXT"; the term "two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 57-6 (2) and the preceding paragraph" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of MEXT"; the term

"paragraph (2)" in paragraph (5) of said Article shall be deemed to be replaced with "Article 57-6 (2)" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of MEXT"; the term "paragraph (2)" in paragraph (6) of said Article shall be deemed to be replaced with "Article 57-6 (2)"; the term "Ordinance of METI" in paragraph (8) of said Article shall be deemed to be replaced with "Ordinance of MEXT"; the term "designation set forth in Article 3 (1)" in paragraph (9) of said Article shall be deemed to be replaced with "permission set forth in Article 52 (1)."

(Measures associated with Rescission, etc. of the Permission)

Article 57-7 (1) When any user has had his/her permission rescinded pursuant to the provision of Article 56, or when any user has dissolved or died, the former user, etc. (the liquidator or bankruptcy trustee when the user has had his/her permission rescinded pursuant to the provision of said Article; or when the user has dissolved, the representative of a juridical person that continues to exist after a merger or is established after a merger, or the heir or a person who controls the inherited property in lieu of the heir in the case of the death of the user; the same shall apply hereinafter) shall be deemed to be the user regarding the application of the provisions of Articles 56-2 to 57-5 (including penal provisions pertaining to these provisions) for the period until the confirmation as provided for in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provision of the Ordinance of METI, the former user, etc. shall draw up a plan for decommissioning and apply for approval from the Minister of MEXT within the period provided for in the Ordinance of METI from the date that his/her permission as a user was rescinded pursuant to the provision of Article 56 or the date of dissolution or death of the user.

(3) The former user, etc. shall not take decommissioning for the period until he/she obtains the approval set forth in the preceding paragraph.

(4) The provisions of Article 12-7 (4) to (9) shall apply mutatis mutandis to decommissioning of former users, etc. In this case, the term "paragraph (2)" in these provisions shall be deemed to be replaced with "Article 57-7 (2)" the term "Minister of METI" shall be deemed to be replaced with "Minister of MEXT" and the term "Ordinance of METI" shall be deemed to be replaced with "Ordinance of MEXT"; the term "paragraph (4) of the preceding Article" in paragraph (5) of said Article shall be deemed to be replaced with "paragraph (4) of the preceding Article as applied mutatis mutandis pursuant to Article 57-6 (3)"; and the term "paragraph (8) of the preceding Article" in paragraph (9) of said Article shall be deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 57-6 (3)."

(Notification, etc. of the Use of Nuclear Fuel Material)

Article 57-8 (1) Any person who intends to use nuclear source material shall, pursuant to the provision of the Cabinet Order, notify the Minister of MEXT in advance; provided, however, that this shall not apply to any of the following items:

- (i) when a refining licensee provides nuclear source material in the refining business,
  - (ii) when a person who has obtained the permission set forth in Article 61-3 (1) uses nuclear source material, which is international controlled material, for the purpose of use for which said permission was obtained, or
  - (iii) when nuclear source material of which the density of radioactivity or the quantity of uranium or thorium contained does not exceed the limits specified by Cabinet Order.
- (2) Any person who intends to submit a notification pursuant to the provision of the preceding paragraph shall submit an application form containing the following matters to the Minister of MEXT:
- (i) the name and address and, in the case of a juridical person, the name of its representative,
  - (ii) the purpose and method of use,
  - (iii) the type of nuclear source material,
  - (iv) the location of use,
  - (v) the estimated period of use and the estimated quantity to be used in one year (in the case where the estimated period is less than one year, the estimated period of use), and
  - (vi) a general description of the location, structure and equipment of facilities in which the nuclear source material is to be used.
- (3) Any person who has submitted a notification pursuant to the provision of paragraph (1) (hereinafter referred to as "nuclear source material user") shall notify the Minister of MEXT without delay when changes are made to a matter in any of the items of the preceding paragraph, pursuant to the provision of the Cabinet Order.
- (4) Any person who uses nuclear source material shall comply with the technical standards specified in the Ordinance of MEXT when using nuclear source material (excluding use that falls under item (i) or (iii) of paragraph (1); hereinafter the same shall apply in the following paragraph).
- (5) When the Minister of MEXT finds that the use of nuclear source material does not conform with the standards set forth in the preceding paragraph, he/she may order the person using nuclear source material to make rectifications so as to conform with the standards.
- (6) Any nuclear source material user shall, pursuant to the provision of the Ordinance of MEXT, record the matters specified by the Ordinance of MEXT

concerning the use of nuclear source material, and keep this record at the factory or the place of business.

- (7) When any nuclear source material user has abolished the use of all nuclear source material pertaining to said notification, he/she shall notify the Minister of MEXT pursuant to the provision of the Ordinance of MEXT.
- (8) When any nuclear source material user dissolves or dies, the liquidator, the bankruptcy trustee, the representative of a juridical person that continues to exist after a merger or is established after a merger, or the heir or a person who controls the inherited property in lieu of the heir in the case of the death of the nuclear source material user shall notify the Minister of MEXT pursuant to the provision of the Ordinance of MEXT.

#### **Chapter VI Regulations, etc. Concerning Atomic Energy Activity Operators, etc.**

(Confirmation, etc. Concerning Disposal)

Article 58 (1) When a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, operator of a foreign nuclear vessel, licensee of spent fuel interim storage activity, licensee of reprocessing activity, licensee of waste disposal activity or user (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of reactor operation, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc., former licensee of waste disposal activity, etc. and former users, etc.; hereinafter referred to as "licensee of nuclear energy activity, etc.") disposes of nuclear fuel material or material contaminated by nuclear fuel material outside of a factory or a place of activity where refining facilities, fuel facilities, reactor facilities, spent fuel interim storage facilities, reprocessing facilities, waste disposal facilities, waste storage facilities or usage facilities, etc. (including nuclear vessels; referred to as "factories, etc." in paragraph (1) of the following Article, Article 59-2 (1) and Article 61-2 (1)) have been installed, he/she shall take the necessary operational safety measures pursuant to the provision of the Ordinance of the competent ministry (order issued by the competent minister prescribed respectively in those items in accordance with the classifications for licensee of nuclear energy activity, etc., listed in the following items; hereinafter the same shall apply in this Article).

- (i) Licensee of refining activity, licensee of fabricating or enrichment activity, licensee of spent fuel interim storage activity, licensee of reprocessing activity and licensee of waste disposal activity (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of spent fuel interim storage activity, etc., former

- licensee of reprocessing activity, etc. and former licensee of waste disposal activity, etc.): Minister of METI
- (ii) User (including former users, etc.): Minister of MEXT
- (iii) Licensee of reactor operation (including former licensee of reactor operation, etc.): Minister prescribed respectively in those items under Article 23 (1) in accordance with the classifications for reactors listed in the items of Article 23 (1)
- (iv) Operator of a foreign nuclear vessel: Minister of MLIT
- (2) If the case set forth in the preceding paragraph is applicable to the case 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 atomic energy activity operator, etc. shall, pursuant to the provision of the Ordinance of the competent ministry, obtain the confirmation of the competent minister (minister prescribed respectively in those items in accordance with the classifications for atomic energy activity operators, etc. listed in the items in said paragraph; hereinafter the same shall apply in this Article), as to the compliance of the measures related to disposal with the regulations of the Ordinance of the competent Minister pursuant to provision of the said paragraph.
- (3) In the case set forth in paragraph (1), when the competent minister finds that the measures relating to disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provision of the Ordinance of the competent ministry pursuant to the provision of said paragraph, he/she may order the licensee of nuclear energy activity, etc. to suspend disposal or take other necessary operational safety measures.
- (4) When the competent minister intends to establish the Ordinance of the competent ministry set forth in paragraph (3), he/she shall, in advance, consult with the other Ministers specified under each of the items in paragraph (1).

(Confirmation, etc. Concerning Shipment)

Article 59 (1) When an licensee of nuclear energy activity, etc. (including a person to which shipment has been entrusted from an licensee of nuclear energy activity, etc.; hereinafter the same shall apply in this Article) shipments nuclear fuel material or material contaminated by nuclear fuel material outside of the factory, etc. (excluding shipment via a vessel or aircraft), he/she shall take the necessary safety measures (necessary measures for safety and physical protection of specific nuclear fuel material when specified nuclear fuel material specified by Cabinet Order is included in said nuclear fuel material) in compliance with the technical standards specified in the Cabinet Order of the competent ministry (order issued by the minister prescribed respectively in those items in accordance with the classifications for

licensee of nuclear energy activity, etc., listed in following items; hereinafter the same shall apply in this Article) with respect to the material to be shipped, and with the technical standards specified in the Cabinet Order of the competent ministry (Cabinet Order of MLIT for shipment via railway, tram, cableway, trackless train, vehicle and light vehicle) with respect to other matters.

- (i) Licensee of refining activity, licensee of fabricating or enrichment activity, licensee of spent fuel interim storage activity, licensee of reprocessing activity and licensee of waste disposal activity (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc. and former licensee of waste disposal or storage activity, etc.), and person to whom shipment has been entrusted by such persons: Minister of METI
  - (ii) User (including former users, etc.; hereinafter the same shall apply in this item), and person to whom shipment has been entrusted by a user: Minister of MEXT
  - (iii) Licensee of reactor operation (including former licensee of reactor operation, etc.; hereinafter the same shall apply in this item), and person to whom shipment has been entrusted by a reactor establisher: Minister prescribed respectively in those items in accordance with the classifications for reactors listed in the items of Article 23 (1)
  - (iv) Operator of a foreign nuclear vessel and person to whom shipment has been entrusted by an operator of a foreign nuclear vessel: Minister of MLIT
- (2) If the case set forth in the preceding paragraph is applicable to the case specified by Cabinet Order as being particularly necessary for prevention of disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material and for physical protection of specific nuclear fuel material, the licensee of nuclear energy activity, etc. shall obtain the confirmation of the competent minister (minister prescribed respectively in those items in accordance with the classifications for licensee of nuclear energy activity, etc. listed in the items of said paragraph; hereinafter the same shall apply in this Article), pursuant to the provision of the competent ministry with respect to the material to be shipped, and the confirmation of the competent minister (Minister of MLIT for shipment via railway, tram, cableway, trackless train, vehicle and light vehicle), pursuant to the Ordinance of the competent ministry (Ordinance of MLIT for shipment via railway, tram, cableway, trackless train, vehicle and light vehicle) with respect to other matters, as to the compliance of the measures related to shipment with the technical standards specified in said paragraph.
- (3) The licensee of nuclear energy activity, etc., may obtain approval from the

competent minister in advance, pursuant to the provision of the Ordinance of the competent ministry, concerning the container to be used in shipment. In this case, the container for which the approval of the competent minister was obtained (hereinafter referred to as "approved container" in Article 61-26) shall be deemed as meeting, from among the technical standards set forth in paragraph (1), the standards relating to containers.

- (4) In the case set forth in paragraph (1), when the competent minister or the Minister of MLIT finds that the measures relating to shipment of nuclear fuel material or material contaminated by nuclear fuel material do not conform with the technical standards set forth in said paragraph, he/she may order the licensee of nuclear energy activity, etc., to suspend shipment and take any other measures necessary for safety and for physical protection of specified nuclear fuel material, in accordance with the classifications for such measures provided in said paragraph.
- (5) In the case set forth in paragraph (1), when applicable to cases specified by Cabinet Order as being particularly necessary for ensuring public safety by preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material or by protecting specified nuclear fuel material, the licensee of nuclear energy activity, etc. shall, pursuant to the provision of the Cabinet Office Ordinance, notify the prefectural public safety commission and obtain a document certifying the notification (hereinafter referred to as "shipment certificate").
- (6) When the notification set forth in the preceding paragraph is made, and the prefectural public safety commission finds it necessary in order to ensure public safety by preventing disasters and protecting specified nuclear fuel material, the prefectural public safety commission may give necessary instructions concerning the date and time of shipment, the route to be used, and any other matters specified in the Cabinet Office Ordinance.
- (7) When the prefectural public safety commission gives the instructions set forth in the preceding paragraph, the contents of the instructions shall be listed on the certificate of shipment.
- (8) In the case provided in paragraph (1), when any licensee of nuclear energy activity, etc. has obtained a shipment certificate, he/she shall carry said shipment certificate and conduct shipment in compliance with the contents listed on said certificate of shipment.
- (9) When a change arises in the matters listed on the certificate shipment, the licensee of nuclear energy activity, etc. shall, without delay, notify the prefectural public safety commission that issued the certificate, pursuant to the provision of the Cabinet Office Ordinance, and obtain a revised certificate.
- (10) When the licensee of nuclear energy activity, etc. has lost or damaged the certificate of shipment, or has had the certificate of shipment stolen, he/she



shall, pursuant to the provision of the Cabinet Office Ordinance, apply to the prefectural public safety commission from which the certificate of shipment was issued for a reissuance of the certificate in writing, describing the reason.

- (11) When a police official finds it particularly necessary in order to ensure public safety by preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material that is being shipped by an vehicle or light vehicle, and by protecting specified nuclear fuel material contained in said nuclear fuel material, he/she may stop said vehicle or light vehicle and request the person shipping such materials to present the certificate of shipment and inspect whether shipment is being conducted in compliance with the contents listed on the certificate of shipment, pursuant to the provision of the Cabinet Office Ordinance, or order the person shipping such materials to change the route and take any other appropriate measures within the limit necessary for implementing the provisions of paragraphs (5), (6) and (8) in order to prevent disasters resulting from these materials and to protect specified nuclear fuel material.
- (12) The authority prescribed in the preceding paragraph shall not be construed as one that is authorized for a criminal investigation.
- (13) The necessary liaison between the prefectural public safety commissions pertaining to the notification set forth in paragraph (5), the instructions set forth in paragraph (6) and issuing, revising, reissuing and returning a certificate shipment of in the case that the return of a certificate of shipment that is no longer required and shipment concern two or more prefectural public safety commissions shall be prescribed in the Cabinet Order.
- (14) When the competent minister intends to establish the Ordinance of the competent ministry set forth in paragraphs (1) to (3), he/she shall consult with the other ministers specified in each of the items under paragraph (1) in advance.

Article 59-2 (1) In a case provided for in the Cabinet Order where specified nuclear fuel material is shipped from the factory, etc. of an licensee of nuclear energy activity, etc. or shipped from a factory, etc. in a foreign state to a factory, etc. of said licensee of nuclear energy activity, etc., the licensee of nuclear energy activity, etc. shall, before commencing shipment, clarify the person responsible (including any person responsible for shipment of said specified nuclear fuel material outside of Japan) for shipment of said specified nuclear fuel material from the time when it leaves the factory, etc. of the sender to the time when it arrives at the factory, etc. of the receiver, and take measures so that agreement can be concluded among the sender, the person responsible for shipment of said specified nuclear fuel material and the receiver regarding the specifying time and place at which the responsibility

pertaining to the shipment of said specified nuclear fuel material is transferred as well as any other matters specified by the Ordinance of MEXT.

- (2) In the case set forth in the preceding paragraph, the licensee of nuclear energy activity, etc. shall obtain the confirmation of the Minister of MEXT before commencing the shipment set forth in said paragraph, pursuant to the provision of the Ordinance of MEXT, regarding the conclusion of the agreement provided in said paragraph.

(Storage Contractor)

Article 60 (1) When any person (hereinafter referred to as "storage contractor") entrusted with the storage of nuclear fuel material (excluding storage of spent fuel) from an licensee of nuclear energy activity, etc. (excluding operators of a foreign nuclear vessel, licensee of spent fuel interim storage activity and licensee of waste disposal activity (including former licensee of spent fuel interim storage activity, etc. and former licensee of waste disposal or storage activity, etc.)) stores said nuclear fuel material, he/she shall take the necessary operational safety measures in compliance with the technical standards specified in the Ordinance of the competent ministry (order issued by the competent minister prescribed respectively in those items in accordance with the classifications for storage contractor activity listed in following items; hereinafter the same shall apply in this Article).

(i) Person who has been entrusted with storage of said nuclear fuel material from a licensee of refining activity, a licensee of fabricating or enrichment activity or a licensee of reprocessing activity (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc. or former licensee of reprocessing activity, etc.): Minister of METI

(ii) Person who has been entrusted with storage of said nuclear fuel material from a user (including former users, etc.): Minister of MEXT

(iii) Person who has been entrusted with storage of said nuclear fuel material from a licensee of reactor operation (including former licensee of reactor operation, etc.): Minister prescribed respectively in those items, in accordance with the classifications for reactors listed in the items of Article 23 (1)

- (2) In the case of any storage contractor stores specified nuclear fuel material specified by Cabinet Order, he/she shall take physical protection measures pursuant to the provision of the Ordinance of the competent ministry.
- (3) When the competent minister (the minister prescribed respectively in those items in accordance with the classifications for storage contractors listed in the items of paragraph (1); hereinafter the same shall apply in the following paragraph) finds that the protection measures are in violation of the provision of the Ordinance of the competent ministry pursuant to the provision of the

preceding paragraph, he/she may order the storage contractor to rectify measures pertaining to areas for the physical protection of specified nuclear fuel material, rectify methods for storing specified nuclear fuel material and take any other measures necessary for the physical protection of specified nuclear fuel material.

- (4) When the competent minister intends to establish the Ordinance of the competent ministry set forth in the preceding three paragraphs, he/she shall consult with the other ministers specified in each of the items under paragraph (1) in advance.

(Restrictions on Transfer and Receipt)

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

- (i) where a licensee of refining activity transfers nuclear fuel material to a licensee of fabricating or enrichment activity, licensee of reactor operation, licensee of reprocessing activity, licensee of waste disposal activity, user or other licensee of refining activity, or receives nuclear fuel material from such persons;
- (ii) where a licensee of fabricating activity transfers nuclear material to a licensee of refining activity, licensee of reactor operation, licensee of reprocessing activity, licensee of waste disposal or storage activity, user or other licensee of fabricating or enrichment activity, or receives nuclear fuel material from such persons;
- (iii) where a licensee of reactor operation transfers nuclear material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reprocessing activity, licensee of waste disposal or storage activity, user or other licensee of reactor operation, or receives nuclear fuel material from such persons;
- (iv) where a licensee of reprocessing activity transfers nuclear material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, licensee of waste disposal or storage activity, user or other licensee of reactor operation, or receives nuclear fuel material from such persons;
- (v) where a licensee of waste disposal activity transfers nuclear material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, licensee of reprocessing activity, user or other licensee of waste disposal or storage activity, or receives nuclear fuel material from such persons;

- (vi) where a user transfers nuclear material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, licensee of reprocessing activity, licensee of waste disposal or storage activity or other user, or receives from such persons a type of nuclear fuel material for which the permission set forth in Article 52 (1) (including the permission set forth in Article 55 (1)) has been obtained;
- (vii) where a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, licensee of reprocessing activity, licensee of waste disposal or storage activity or user transfers or receives nuclear fuel material of a type and quantity specified by Cabinet Order set forth in item (v) of Article 52 (1), or where such nuclear fuel material is transferred to or received from such persons;
- (viii) where a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, licensee of reprocessing activity, licensee of waste disposal activity or user exports or imports nuclear fuel material;
- (ix) where a former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of reactor operation, etc., former licensee of reprocessing activity, etc., former licensee of waste disposal or storage activity, etc. or former user, etc. transfers or receives nuclear fuel material in compliance with the plan for decommissioning measures for which the approval set forth in Article 12-7 (2), Article 22-9 (2), Article 43-3-3 (2), Article 51 (2), Article 51-26 (2) or Article 57-7 (2) has been obtained (or modified decommissioning plan in the case that approval or notification for change pursuant to the provision of Article 12-7 (4) or (6) (including the cases where the provisions of these paragraphs are applied mutatis mutandis pursuant to Article 22-9 (5), Article 43-3-3 (4), Article 51 (4), Article 51-26 (4) and Article 57-7 (4)) has been made); or
- (x) where nuclear fuel material is transferred in accordance with an order pursuant to the provision of Article 61-9.

(Confirmation, etc. Concerning Radioactivity Concentration)

Article 61-2 (1) Any licensee of nuclear energy activity, etc. may obtain the confirmation of the competent minister (the minister prescribed respectively in those items in accordance with the classifications for licensee of nuclear energy activity, etc. listed in each of following items; hereinafter the same shall apply in this Article) as to the radioactivity concentration of radioactive material contained in the material and other material used at the factory, etc. not exceeding the criteria prescribed by the Ordinance of the competent ministry (order issued by the competent minister; hereinafter the same shall apply in this Article) for not requiring measures for prevention of radiation hazards,

pursuant to the Ordinance of the competent ministry.

- (i) licensee of refining activity, licensee of fabricating or enrichment activity, licensee of spent fuel interim storage activity, licensee of reprocessing activity and licensee of waste disposal or storage activity operator (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc. and former licensee of waste disposal activity, etc.): Minister of METI
  - (ii) User (including former users, etc.): Minister of MEXT
  - (iii) licensee of reactor operation (including former reactor establishers, etc.): Minister prescribed respectively in those items in accordance with the classifications for reactors listed in the items of Article 23 (1)
  - (iv) Operator of a foreign nuclear vessel: Minister of MLIT
- (2) Any person who intends to obtain the confirmation set forth in the preceding paragraph shall measure and evaluate the radioactivity concentration of the radioactive material contained in the material for which he/she is intending to obtain the confirmation, based on the methods for measuring and evaluating radioactivity concentration for which the approval of the competent minister was obtained in advance pursuant to the provision of the Ordinance of the competent ministry, and submit an application form that lists the results of the measurement and evaluation and any other documents specified by the Ordinance of the competent ministry to the competent minister.
- (3) Material for which the confirmation of the competent minister has been obtained pursuant to the provision of paragraph (1) shall be handled as material that has not been contaminated by nuclear fuel material by this Act, the Waste Disposal and Cleaning Act (Act No. 137 of 1970) and other laws and regulations as provided for by Cabinet Order.
- (4) The Minister of METI shall, pursuant to the provision of the Ordinance of METI, delegate part of the affairs relating to the confirmation set forth in paragraph (1) pertaining to the licensee of refining activity, licensee of fabricating or enrichment activity, licensee of specified reactor operation (licensee of reactor operation who is concerned with commercial power reactors and reactors listed in item (iv) of Article 23 (1); hereinafter the same shall apply in this paragraph), licensee of spent fuel interim storage activity, licensee of reprocessing activity and licensee of waste disposal or storage activity (including former refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of reactor operation, etc. (limited to persons concerned with licensee of specified reactor operation), former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc. and former licensee of waste disposal activity) to JNES.

- (5) When JNES has conducted part of the affairs relating to the confirmation pursuant to the provision of the preceding paragraph, JNES shall, without delay, notify the Minister of METI of the results, pursuant to the provision of the Ordinance of METI.

**Chapter VI-2 Regulations, etc. Concerning the Use, etc. of International  
Controlled Material**  
**Section 1 Regulations Concerning the Use, etc. of International  
Controlled Material**

(Permission and Notification, etc. of Use)

Article 61-3 (1) Any person who intends to use international controlled material shall, as pursuant to the provision of the Cabinet Order, obtain the permission of the Minister of MEXT; provided, however, that this shall not apply to a case that falls under any of the following items:

- (i) when a licensee of refining activity provides international controlled material for the refining activity,
  - (ii) when a licensee of fabricating or enrichment activity provides international controlled material for the fabricating or enrichment activity,
  - (iii) when a licensee of reactor operation provides international controlled material to install or operate reactors,
  - (iv) when a licensee of reprocessing activity provides international controlled material for the reprocessing activity,
  - (v) when a user uses international controlled material for a use for which the permission set forth in Article 52 (1) was obtained, or
  - (vi) when a former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of reactor operation, etc., former licensee of reprocessing activity, etc. or former user, etc. uses international controlled material during the period up until he/she obtains the confirmation pursuant to the provision of Article 12-7 (9) (including the cases where applied mutatis mutandis pursuant to Article 22-9 (5), Article 43-3-3 (4), Article 51 (4) and Article 57-7 (4)).
- (2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit an application form containing the following matters to the Minister of MEXT:
- (i) the name and address and, in the case of a juridical person, the name of its representative,
  - (ii) the purpose and method of use,
  - (iii) the type and quantity of international controlled material,
  - (iv) the location of use, and
  - (v) the estimated period of use.

- (3) Any person who intends to obtain the permission set forth in paragraph (1) concerning nuclear source material shall attach a document listing the matters specified in item (vi) of Article 57-8 (2) to the application form set forth in the preceding paragraph; provided, however, that this shall not apply to any case that falls under item (iii) of paragraph (1) of said Article.
- (4) If any person falls under any of the items (i) to (v) of paragraph (1), he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the type and quantity of the international controlled material and the estimated period of use in advance.
- (5) When any licensee of spent fuel interim storage activity intends to store international controlled material, he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the type and quantity of the international controlled material to be stored and the estimated period of storage in advance.
- (6) When any licensee of waste disposal or storage activity intends to dispose of international controlled material, he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the type and quantity of the international controlled material that is to be disposed of and the estimated period of disposal in advance.
- (7) When any former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of reactor operation, etc., former licensee of reprocessing activity, etc. or former user, etc., falls under item (vi) of paragraph (1), he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the type and quantity of the international controlled material and the estimated period of use, within the period specified in the Ordinance of MEXT from the day that his/her designation as a licensee of refining activity or licensee of reprocessing activity was rescinded pursuant to the provision of Article 10 or Article 46-7, from the day that his/her permission as a licensee of fabricating or enrichment activity, licensee of reactor operation or user was rescinded pursuant to the provision of Article 20, Article 33 (1) or (2) or Article 56, or from the day of dissolution or death of the licensee of refining activity, licensee of fabricating or enrichment activity, licensee of reactor operation, licensee of reprocessing activity or user.
- (8) In the case that a former licensee of spent fuel interim storage activity, etc. stores international controlled material during the period until he/she obtains the confirmation pursuant to the provision of Article 12-7 (9) as applied mutatis mutandis pursuant to Article 43-28 (4), he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the type and quantity of the international controlled material to be stored and the estimated period of storage, within the period specified in the Ordinance of MEXT from the day that his/her permission as a licensee of spent fuel interim

storage activity was rescinded pursuant to Article 43-16 or from the day of dissolution or death of the licensee of spent fuel interim storage activity.

- (9) In the case that a former licensee of waste disposal or storage activity, etc., disposes of international controlled material during the period until he/she obtains the confirmation pursuant to the provision of Article 12-7 (9) as applied mutatis mutandis pursuant to Article 51-26 (4), he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the type and quantity of the international controlled material to be disposed of and the estimated period of disposal, within the period specified in the Ordinance of MEXT from the day that his/her permission as a licensee of waste disposal or storage activity was rescinded pursuant to Article 51-14 or from the day of dissolution or death of the licensee of waste disposal or storage activity.

(Ineligibility for the Permission)

Article 61-4 Any person who falls under any of the following items shall not be 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 provision 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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended,
- (iii) an adult ward, or
- (iv) a juridical person any of whose executive officials falls under any of the three preceding items.

(Notification of Change)

Article 61-5 (1) When a person who has obtained the permission set forth in Article 61-3 (1) (hereinafter referred to as "international controlled material user") intends to change any matter provided for in items (ii) to (iv) of paragraph (2) of said Article, he/she shall notify the Minister of MEXT of the change in advance, pursuant to provision of the Ordinance of MEXT.

- (2) When an international controlled material user has changed any matter provided for in item (i) or (v) of Article 61-3 (2) he/she shall notify the Minister of METI within thirty days of the day that the change was made.

(Rescission, etc. of the Permission)

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



suspension of the use of international controlled material for that period:

- (i) when an international controlled material user falls under one of items (ii) to (iv) of Article 61-4,
- (ii) when he/she has changed a matter for which he/she should have given notification pursuant to the provision of paragraph (1) of the preceding Article, without giving notification,
- (iii) when he/she has violated the provision of Article 61-8 (1) or (4), or has violated an order pursuant to the provision of paragraph (3) of said Article, or
- (iv) when he/she has violated the conditions set forth in Article 62-2 (2).

(Records)

Article 61-7 Pursuant to the provision of the Ordinance of MEXT, any person using international controlled material (including a licensee of spent fuel interim storage activity storing international controlled material (including former licensee of spent fuel interim storage activity, etc.; hereinafter the same shall apply in this Article) and a licensee of waste disposal or storage activity disposing of international controlled material (including former licensee of waste disposal or storage activity, etc.; hereinafter the same shall apply in this Article); hereinafter the same shall apply in Article 61-9, 67 (1), Article 68 (15) to (18), item (xxix) of Article 78 and item (x) of Article 80) shall record the matters specified in the Ordinance of MEXT concerning the use of international controlled material (including storage of international controlled material by a licensee of spent fuel interim storage activity and disposal of international controlled material by a licensee of waste disposal or storage activity; hereinafter the same shall apply 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; hereinafter the same shall apply to item (i) of Article 61-8-2 (2), Article 61-23-7 (3), Article 68 (excluding paragraphs (2) and (5)), Article 71 (2) and Article 72 (3)).

(Accounting provisions)

Article 61-8 (1) Any international controlled material user, any person falling under any of the items in Article 61-3 (1) (excluding item (i)) and any person provided in paragraphs (5), (6), (8) and (9) of said Article (hereinafter referred to as "international controlled material user, etc.") shall, in order to ensure proper measurement and management of international controlled material, provide accounting provisions, pursuant to the provision of the Ordinance of MEXT, and obtain the approval of the Minister of MEXT before commencing use of international controlled material. The same shall apply when making

changes to such rules.

- (2) When the Minister of MEXT finds that the accounting provisions are not sufficient for ensuring proper measurement and management of international controlled material, he/she shall not grant the approval set forth in the preceding paragraph.
- (3) When the Minister of MEXT finds it necessary in order to ensure proper measurement and management of international controlled material, he/she may order any international controlled material user, etc. to change the accounting provisions.
- (4) Any international controlled material user, etc. and his/her employees shall observe the accounting provisions.

(Safeguards Inspection)

Article 61-8-2 (1) Any international controlled material user, etc. shall, pursuant to the provision of the Ordinance of MEXT, undergo a periodic inspection conducted by the Minister of MEXT concerning the state of measurement and management of international controlled material within the scope necessary for implementing safeguards based on safeguards agreements.

(2) In conducting the inspection set forth in the preceding paragraph (hereinafter referred to as "safeguards inspection"), any official designated by the Minister of MEXT may carry out the matters listed below as specified by the Ordinance of MEXT:

- (i) enter the office, factory or place of activity,
- (ii) inspect books, documents and any other necessary property,
- (iii) request the submission of nuclear source material, nuclear fuel material or any other necessary samples (limited to the minimum amount necessary for examination), and
- (iv) affix any seals or install any devices necessary for monitoring the movement of international controlled material.

(3) When the official enters pursuant to the provision of item (i) of the preceding paragraph, he/she shall carry an identification card and produce it when requested by people concerned.

(4) The authority pursuant to the provision of paragraph (2) shall not be construed as one that is authorized for a criminal investigation.

(5) No person shall remove or damage any seal or device affixed or installed pursuant to the provision of item (iv) of paragraph (2) without justifiable grounds.

(Order to Return, etc.)

Article 61-9 The Minister of MEXT may order any international controlled material user, etc. to return or transfer international controlled material when

either of the following applies:

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

(Notification of Abolition, etc. of Use)

- Article 61-9-2 (1) When any international controlled material user, etc. has abolished all use of international controlled material, he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT.
- (2) When a notification pursuant to the provision of the preceding paragraph has been made, the permission set forth in Article 61-3 (1) shall cease to be effective.
- (3) The liquidator or bankruptcy trustee in the case of a dissolution of the international controlled material user, etc., the representative of a juridical person that continues to exist after a merger or is established after a merger, or the heir or a person who controls the inherited property in lieu of the heir in the case of the death of the international controlled material user, etc. shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the dissolution, merger or death of the international controlled material user, etc.

(Measures associated with Abolition, etc. of Use)

- Article 61-9-3 (1) Any former international controlled material user, etc. (an international controlled material user whose permission has been rescinded pursuant to the provision of Article 61-6, or a person who shall make a notification pursuant to the provision of paragraph (1) or (3) of the preceding Article; hereinafter the same shall apply in the following paragraph) shall, pursuant to the provision of the Ordinance of MEXT, take measures for transferring, etc. international controlled material.
- (2) Any former international controlled material user, etc. shall report the measures taken pursuant to the provision of the preceding paragraph to the Minister of MEXT within thirty days from the date that his/her permission as an international controlled material user has been rescinded pursuant to the provision of Article 61-6, the date that all use of international controlled material was abolished, or the date of the dissolution or death of the international controlled material user.

(Notification of International Specified Activities)

- Article 61-9-4 (1) Any person who conducts international specified activities shall, pursuant to the provision of the Cabinet Order, notify the Minister of MEXT within thirty days of commencing the international specified activities; provided, however, that this shall not apply to international specified activities conducted based on the use of international controlled material.
- (2) Any person who intends to make a notification pursuant to the provision of the preceding paragraph shall submit an application form containing the following matters to the Minister of MEXT:
- (i) the name and address of the applicant and, in case of a juridical person, the name of its representative,
  - (ii) the type of international specified activities,
  - (iii) the scale of the international specified activities and other descriptions specified in the Ordinance of MEXT,
  - (iv) the location 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 provision of paragraph (1) (hereinafter referred to as "international specified activities implementer") has changed any matter listed in the items in the preceding paragraph, he/she shall notify the Minister of MEXT of the change within thirty days of the day of the change.
- (4) When any international specified activities implementer has completed all international specified activities pertaining to said notification, he/she shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT.
- (5) The liquidator or bankruptcy trustee in the case of a dissolution of the international specified activities implementer, the representative of a juridical person that continues to exist after a merger or is established after a merger, or the heir or a person who controls the inherited property in lieu of the heir in the case of the death of the international specified activities implementer shall, pursuant to the provision of the Ordinance of MEXT, notify the Minister of MEXT of the dissolution, merger or death of the international specified activities implementer.

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

(Entrustment of Information Processing Work)

Article 61-10 When the Minister of MEXT finds that it contributes to the proper implementation of safeguards based on international agreements, he/she may, pursuant to the provision of the Cabinet Order, entrust a person whom he/she 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 conditions of use of international controlled material.

(Designation)

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

(Criteria for the Designation)

Article 61-12 When applications for the designation set forth in Article 61-10 have been made, the Minister of MEXT shall not grant the designation set forth in said Article unless he/she finds that an application conforms with each of the following items:

- (i) the applicant has sufficient technical capability and financial basis for executing the information processing work competently,
- (ii) the applicant is a juridical person established pursuant to the provision of Article 34 of the Civil Code (Act No. 89 of 1896) and whose composition of officers or members is not likely to obstruct the fair execution of information processing work,
- (iii) when work other than information processing work is being carried out, such work is not likely to obstruct the appropriate execution of information processing work, and
- (iv) granting the designation is not likely to impede the appropriate and smooth implementation of safeguards based on international agreements.

(Ineligibility for Designation)

Article 61-13 No person who falls under any of the following items shall be granted the designation set forth in Article 61-10:

- (i) a person whose designation under Article 61-10 has been rescinded pursuant to the provision 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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended, or
- (iii) a person any of whose executive officials falls under any of the preceding items.

(Change of Name, etc.)

Article 61-14 Any designated information processing organization that intends

to changes its name, address or the location of the office where it conducts information processing work shall notify the Minister of MEXT in advance.

(Duty to Implement Work)

Article 61-15 When any designated information processing organization is requested by the Minister of MEXT to conduct information processing work, it shall, without delay, conduct the information processing work, with the exception of cases where there are justifiable grounds.

(Work Rules)

Article 61-16 (1) The designated information processing organization shall specify provisions relating to information processing work (hereinafter referred to as "work provisions" in this Section) and obtain the approval of the Minister of MEXT. The same shall apply when making changes to such provisions.

(2) The matters that should be specified in the work provisions shall be prescribed in the Ordinance of MEXT.

(3) When the Minister of MEXT finds that the work provisions for which the approval set forth in paragraph (1) was granted have become inappropriate for properly executing information processing work, he/she may order the provisions to be changed.

(Activity Plan, etc.)

Article 61-17 (1) The designated information processing organization shall, before the start of every business year (in the business year of the day on which the organization has been designated, after its designation without delay), create a business plan and a budget for revenues and expenditures for the business year and obtain the approval of the Minister of MEXT. The same shall apply when changes are to be made to the business plan and budget.

(2) The designated information processing organization shall, within three months after each business year has passed, create a business report and statement of accounts for revenues and expenditures for the business year, and submit them to the Minister of MEXT.

(Secrecy Obligation)

Article 61-18 Any officer or personnel of a designated information processing organization, or any person who has held such posts, shall not divulge any secret that he/she has learned with respect to information processing work.

(Conformance Order)

Article 61-19 When the Minister of MEXT finds that a designated information processing organization has ceased to conform with items (i) to (iii) of Article

61-12, he/she may order the designated information processing organization to take the measures necessary to conform with these provisions.

(Suspension or Abolition of Work)

Article 61-20 Any designated information processing organization shall not suspend or abolish all or part of its information processing work without obtaining the permission of the Minister of MEXT.

(Rescission, etc. of the Designation)

Article 61-21 When any designated information processing organization falls under any of the following items, the Minister of MEXT 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 falls under item (ii) or (iii) of Article 61-13,
- (ii) when it has violated the provision of Article 61-14, Article 61-15, Article 61-17 or the preceding Article,
- (iii) when it has conducted information processing work without following the work provisions for which the approval set forth in Article 61-16 (1) was obtained, or
- (iv) when it has violated an order pursuant to the provision of Article 61-16 (3) or Article 61-19.

(Public Notice)

Article 61-22 The Minister of MEXT shall place a public Announcement in the Official Gazette when he/she has:

- (i) granted the designation set forth in Article 61-10,
- (ii) granted the permission set forth in Article 61-20, or
- (iii) rescinded the designation pursuant to the provision of the preceding Article.

(Collection of Reports, etc.)

Article 61-23 (1) The Minister of MEXT may request a designated information processing organization, within the limit necessary for ensuring appropriate execution of information processing work by the designated information processing organization, to submit a report relating to its work or accounting, or to have his/her official enter the office or place of business of said organization and inspect the books, documents and other necessary property of said organization, or question the people concerned.

(2) When an official enters the office or place of business pursuant to the

provision of the preceding paragraph, he/she shall carry an identification card and produce it when requested by people concerned.

- (3) The authority for inspection pursuant to the provision of paragraph (1) shall not be construed as one that is authorized for a criminal investigation.

### **Section 3 Designated Organizations Implementing Safeguards Inspections, etc.**

(Designated Organizations Implementing Safeguards Inspections, etc.)

Article 61-23-2 The Minister of MEXT may, pursuant to the provision of the Ordinance of MEXT, designate persons (hereinafter referred to as "designated organization implementing safeguards inspections, etc.") to conduct all or part of the work listed below (hereinafter referred to as "work implemented for safeguards inspections, etc."):

- (i) a safeguards inspection conducted pursuant to the implementation instructions provided in Article 61-23-7 (1),
- (ii) examination of samples that were submitted pursuant to the provision of item (iii) of Article 61-8-2 (2), samples that were removed pursuant to the provision of Article 68 (4) or samples that were removed pursuant to the provision of paragraph (1) of said Article (limited to those that were removed for the purpose of implementing safeguards pursuant to a safeguards agreement or additional protocol) and confirmation of records based on devices installed pursuant to the provision of item (iv) of Article 61-8-2 (2), Article 68 (15) or (16), and
- (iii) research and study related to technical inspections necessary for proper implementation of safeguards pursuant to a safeguards agreement or additional protocol, and other work specified by Cabinet Order.

(Designation)

Article 61-23-3 (1) The designation set forth in the preceding Article shall be made based on applications from persons who intend to conduct work implemented for safeguards inspections, etc.

- (2) A person who intends to submit the application set forth in the preceding paragraph shall attach the documents specified in the Ordinance of MEXT to an application form containing the following matters, and submit them to the Minister of MEXT:
- (i) the name and address of the applicant, and the name of its representative,
  - (ii) the address of the place of business where work implemented for safeguards inspections, etc. is to be carried out, and
  - (iii) other matters in addition to those in the preceding two items specified by the Ordinance of MEXT as being necessary for the designation set forth in



the preceding Article.

- (3) When the Minister of MEXT grants the designation set forth in the preceding Article, he/she shall not 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 applications for the designation have been made as set forth in paragraph (1) of the preceding Article, the Minister of MEXT shall not grant the designation set forth in Article 61-23-2 unless he/she finds that an application conforms with each of the following items:

- (i) the safeguards inspection is carried out by persons who have knowledge and experience conforming with the conditions specified in the Ordinance of MEXT, and the number of persons is not less than the number specified in the Ordinance of MEXT,
- (ii) the applicant has sufficient technical capability and financial basis for appropriately executing work implemented for safeguards inspections, etc.,
- (iii) the applicant is a juridical person established pursuant to the provision of Article 34 of the Civil Code and whose composition of officers or members is not likely to obstruct 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., the execution of such work is not likely to hinder the appropriate execution of work implemented for safeguards inspections, etc., and
- (v) granting the designation is not likely to impede the appropriate and smooth execution of safeguards pursuant to safeguards agreements and additional protocols.

(Ineligibility for Designation)

Article 61-23-5 Any person who falls under any of the following items shall not be 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 provision 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 penalty consisting of a fine or severer punishment for violating the provisions of this Act or an order pursuant to this Act, and for whom two years have not yet elapsed after the penalty was executed or suspended, or
- (iii) a juridical person any of whose executive officials falls under any of the following:
  - (a) a person who falls under the preceding item, or

(b) a person who has been dismissed pursuant to the provision of Article 61-23-12, and for whom two years have not yet elapsed from the day of the dismissal.

(Change of Name, etc.)

Article 61-23-6 Any designated organization implementing safeguards inspections, etc. that intends to change its name, address or the location of the place of business where work implemented for safeguards inspections, etc. is carried out shall notify the Minister of MEXT in advance.

(Implementation of Safeguards Inspections)

Article 61-23-7 (1) When the Minister of MEXT intends to request t a designated organization implementing safeguards inspections, etc. to conduct a safeguards inspection, he/she shall issue implementation instructions that list the date, time and location of the relevant safeguards inspection as well as any other matters provided by the Ordinance of MEXT (including target objects and their locations on which seals and devices should be affixed or installed pursuant to the provision of item (iv) of Article 61-8-2 (2)). In such a case, the contents listed on the implementation instructions shall clarify the matters provided in said paragraph that should be carried out with regard to the relevant safeguards inspection, and should also include the instruction that in the event that it becomes necessary handle a matter not listed, the official designated by the Minister of MEXT should be notified immediately.

(2) When any designated organization implementing safeguards inspections, etc. is issued the implementation instructions set forth in the preceding paragraph, the organization shall make the person provided in item (i) of Article 61-23-4 (hereinafter referred to as "safeguards inspector") implement the relevant safeguards inspection in compliance with the contents listed in said implementation instructions.

(3) When the safeguards inspector from the designated organization implementing safeguards inspections, etc. enters the office, factory or place of business of any international controlled material user, etc., he/she shall carry the implementation instructions set forth in paragraph (1) or a copy of said implementation instructions, and produce them when requested by people concerned.

(4) When any designated organization implementing safeguards inspection, etc. has conducted a safeguards inspection, it shall, without delay, notify the Minister of MEXT of the results of the relevant safeguards inspection, pursuant to the provision of the Ordinance of MEXT.

(Work Rules)

Article 61-23-8 (1) The designated organization implementing safeguards inspections, etc. shall specify provisions relating to the work implemented for safeguards inspections, etc. (hereinafter referred to as "work provisions" in this Section), and obtain the approval of the Minister of MEXT. The same shall apply when making changes to such provisions.

(2) The matters that should be specified in the work provisions shall be prescribed in the Ordinance of MEXT.

(3) When the Minister of MEXT finds that the work provisions for which the approval set forth in paragraph (1) was granted have become inappropriate for properly executing work implemented for safeguards inspections, etc., he/she shall order the provisions to be changed.

(Categorized Accounting)

Article 61-23-9 Any designated organization implementing safeguards inspections, etc. shall categorize accounting pertaining to work implemented for safeguards inspections, etc. as separate from other accounting.

(Subsidies)

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

(Appointment and Dismissal, etc. of Officers)

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

(2) The appointment of a safeguards inspector at a designated organization implementing safeguards inspections, etc. shall not take effect unless the approval of the Minister of MEXT is obtained.

(Order to Dismiss)

Article 61-23-12 When an officer or a safeguards inspector of any designated organization implementing safeguards inspections, etc. has violated this Act, an order pursuant to this Act or the work provisions, or when such a person is considered to be inappropriate for conducting his/her duties, the Minister of MEXT may order the designated organization implementing safeguards inspections, etc. to dismiss said officer or safeguards inspector.

(Status of Officers and Personnel)

Article 61-23-13 The officers and personnel of any designated organization

implementing safeguards inspections, etc. engaged in work implemented for safeguards inspections, etc. shall be deemed as personnel 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.

(Order for Supervision)

Article 61-23-14 The Minister of MEXT may give any orders to the designated organization implementing safeguards inspections, etc. necessary for supervision related to work implemented for safeguards inspections, etc., within the limit necessary for enforcing the provisions set forth in this Section.

(Suspension or Abolition of Work)

Article 61-23-15 Any designated organization implementing safeguards inspections, etc. shall not suspend or abolish all or part of the work implemented for safeguards inspections, etc. without obtaining the permission of the Minister of MEXT.

(Rescission, etc. of the Designation)

Article 61-23-16 When any designated organization implementing safeguards inspections, etc. falls under any of the items below, the Minister of MEXT 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 provision of this Section,
- (ii) when it falls under either item (ii) or (iii) of Article 61-23-5,
- (iii) when it has conducted work implemented for safeguards inspections, etc. without following the work provisions for which the approval set forth in Article 61-23-8 (1) was obtained,
- (iv) when it has violated an order pursuant to the provision of Article 61-23-8 (3), Article 61-23-12 or Article 61-23-14,
- (v) when it has obtained the designation set forth in Article 61-23-2 through wrongful means, or
- (vi) when it has violated the conditions set forth in Article 62-2 (1).

(Entries in Books)

Article 61-23-17 (1) Any designated organization implementing safeguards inspections, etc. shall keep books and record the matters specified in the Ordinance of MEXT concerning work implemented for safeguards inspections, etc.

(2) The books set forth in the preceding paragraph shall be stored pursuant to

the provision of the Ordinance of MEXT.

(Safeguards Inspection by the Minister of MEXT)

Article 61-23-18 (1) When any designated organization implementing safeguards inspections, etc. has obtained the permission set forth in Article 61-23-15 and suspended all or part of the work for safeguards inspections, when the Minister of MEXT has ordered any designated organization implementing safeguards inspections, etc. to suspend all or part of the work for safeguards inspections, pursuant to the provision of Article 61-23-16, or when the Minister of MEXT finds it necessary in the event that it has become difficult for any designated organization implementing safeguards inspections, etc. to implement work for safeguards inspections due to a natural disaster or other reason, the Minister of MEXT shall him/herself conduct all or part of the work for the relevant safeguards inspection.

(2) The succession of work for safeguards inspections and any other necessary matters in the case that the Minister of MEXT him/herself conducts all or part of the work for a safeguards inspection pursuant to the provision of the preceding paragraph, or any designated organization implementing safeguards inspections, etc. has obtained the permission set forth in Article 61-23-15 and abolished all or part of the work for safeguards inspections, or the Minister of MEXT has rescinded the designation of any designated organization implementing safeguards inspections, etc. pursuant to the provision of Article 61-23-16 shall be specified in the Ordinance of MEXT.

(Public Notice)

Article 61-23-19 The Minister of MEXT shall place a public announcement in the Official Gazette when he has:

- (i) granted the designation set forth in Article 61-23-2,
- (ii) received a notification (limited to one pertaining to the name or address) pursuant to the provision of Article 61-23-6,
- (iii) granted the permission set forth in Article 61-23-15 (limited to one pertaining to safeguards inspections),
- (iv) rescinded a designation pursuant to the provision of Article 61-23-16, or has ordered the suspension of all or part of the work for a safeguards inspection, or
- (v) decided to conduct all or part of the work for a safeguards inspection by him/herself pursuant to the provision of paragraph (1) of the preceding Article, or to not conduct all or part of the work for a safeguards inspection that he/she had been conducting.

(Application Mutatis Mutandis)

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

(Delegation to the Ordinance of MEXT)

Article 61-23-21 In addition to the matters specified in this Section, matters relating to the finance and accounting of designated organizations implementing safeguards inspections, etc., and any other necessary matters pertaining to designated organizations implementing safeguards inspections, etc. shall be specified in the Ordinance of MEXT.

### **Chapter VI-3 Welding Inspections, etc. Conducted by JNES**

(Welding Inspections Conducted by JNES)

Article 61-24 (1) The Minister of METI may delegate the inspections set forth in Article 16-4 (1) and (4), Article 28-2 (1) and (4) (limited to the portion pertaining to commercial power-generation reactors, reactors listed in item (iv) of Article 23 (1), and auxiliary facilities for these reactors), Article 43-10 (1) and (4), Article 46-2 (1) and (4), and Article 51-9 (1) and (4) to JNES.

(2) The Minister of MEXT may, pursuant to the provision of the Ordinance of METI, delegate the inspections set forth in Article 28-2 (1) or (4) (limited to the portion pertaining to the reactors listed in items (iii) and (v) of Article 23 (1) and auxiliary facilities for these reactors) and Article 55-3 (1) to JNES.

(Confirmation of Waste Disposal Conducted by JNES)

Article 61-25 (1) The Minister of METI shall delegate the confirmation set forth in Article 51-6 (2) and Article 58 (2) (limited to the persons listed in items (i) and (iii) of paragraph (1) of said Article (limited to the portion pertaining to commercial power generation reactors and reactors listed in item (iv) of Article 23 (1))) to JNES.

(2) The Minister of MEXT may delegate the confirmation set forth in Article 58 (2) (limited to the persons listed in items (ii) and (iii) of paragraph (1) of said Article (limited to the portion pertaining to reactors listed in items (iii) and (v) of Article 23 (1))) to JNES, pursuant to the provision of the Ordinance of MEXT.

(Confirmation of Consignment Conducted by JNES)

Article 61-26 (1) The Minister of METI shall delegate the confirmation set forth

in Article 59 (2) pertaining to material shipped via approved containers (limited to the persons listed in items (i) and (iii) of paragraph (1) of said Article (limited to the portion pertaining to commercial power generation reactors and reactors listed in item (iv) of Article 23 (1))) to JNES.

(2) The Minister of MEXT may delegate the confirmation set forth in Article 59 (2) pertaining to material shipped via approved containers (limited to the persons listed in items (ii) and (iii) of paragraph (1) of said Article (limited to the portion pertaining to the reactors listed in items (iii) and (v) of Article 23 (1))) to JNES, pursuant to the provision of the Ordinance of MEXT.

(3) For shipment via railway, tram, cableway, trackless train, vehicle and light vehicle, confirmation by JNES pursuant to the two preceding paragraphs shall be limited to confirmation pertaining to shipped materials.

(Confirmation of Method of Shipments Conducted by JNES)

Article 61-27 The Minister of MLIT shall, pursuant to the provision of the Ordinance of MLIT, delegate the confirmation set forth in Article 59 (2) (limited to confirmation pertaining to shipment via railway, tram, cableway, trackless train, vehicle and light vehicle (excluding confirmation pertaining to shipped material)) that is also provided for in the Ordinance of MLIT to JNES.

## **Chapter VII Miscellaneous Provisions**

(Restriction of Disposal at Sea)

Article 62 (1) Nuclear source material, nuclear fuel material, or material contaminated by such materials shall not be disposed of at sea; provided, however, that this shall not apply to cases that are inevitable for ensuring the safety of human life, vessel, aircraft, or artificial marine structure.

(2) The term "disposal at sea" as used in the preceding paragraph shall mean the disposal of material from a vessel, aircraft, or artificial marine structure into the sea, or the combustion of material on a vessel or artificial marine structure for the purpose of disposing of the material; provided, however, that this shall not apply to disposal of material from a vessel, aircraft or artificial marine structure that is generated from the operation of said vessel, aircraft, artificial marine structure or any equipment installed on such facilities into the sea, or to combustion of material on a vessel or artificial marine structure that is generated from the operation of said vessel, artificial marine structure or any equipment installed on such facilities with 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 as

provided for by 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 any other conditions necessary for implementing international agreements may be attached to the designation set forth in Article 3 (1) or Article 44 (1), or to the permission set forth in Article 13 (1), Article 23 (1), Article 43-4 (1), Article 51-2 (1), Article 52 (1) or Article 61-3 (1).
- (3) The conditions set forth in the two preceding paragraphs shall be limited to the minimum necessary to ensure the enforcement of matters pertaining to the designation or permission, and shall not impose an undue obligation on the person obtaining the designation or permission.

(Report to Competent Ministers, etc.)

Article 62-3 If the case, at a refining facility, fabricating facility, reactor facility, spent fuel storage facility, reprocessing facility, waste burial facility or waste management facility, usage facility, etc., or facility pertaining to use of nuclear source material (hereinafter referred to as "refining facilities, etc."), 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 refining facilities, etc., or another event specified in the Ordinance of the competent ministry (order issued by the minister prescribed respectively in those items in accordance with the classifications for licensee of nuclear energy activity, etc. listed in the following items (hereinafter referred to as "competent minister") (Cabinet Order in the case that a notification pursuant to the provision of Article 59 (5) was made); hereinafter the same shall apply in this Article) occurs, the licensee of nuclear energy activity, etc. shall, pursuant to the provision of the Ordinance of the competent ministry, report on the state of the event and any other matters specified in the Ordinance of the competent ministry to the competent minister (or prefectural public safety commission if a notification pursuant to said paragraph was made), without delay.

- (i) Licensee of refining activity, licensee of fabricating or enrichment activity, licensee of spent fuel interim storage activity, licensee of reprocessing and licensee of waste disposal or storage (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc. and former licensee of waste disposal or storage activity, etc.): Minister of METI (Minister of METI and Minister of MLIT in cases pertaining to the shipment provided in Article 59 (1); Minister of MLIT in cases pertaining to shipment via vessel or aircraft)
- (ii) User (including former users, etc.): Minister of MEXT (Minister of MEXT and Minister of MLIT in cases pertaining to the shipment provided in Article



59 (1); Minister of MLIT in cases pertaining to shipment via vessel or aircraft)

(iii) licensee of reactor operation (including former licensee of reactor operation, etc.): Minister provided respectively in those items in accordance with the classifications for reactors listed in the items of Article 23 (1) (minister provided in Article 23 (1) and Minister of MLIT in cases pertaining to the shipment provided in Article 59 (1); Minister of MLIT in cases pertaining to shipment via vessel or aircraft)

(iv) Operator of a foreign nuclear vessel: Minister of MLIT

(v) Nuclear source material user: Minister of MEXT

(Notification to Police Officials, etc.)

Article 63 When the nuclear fuel material that an licensee of nuclear energy activity, etc. (including a person entrusted with shipment from a licensee of nuclear energy activity, etc. and a commissioned storage contractor) possesses is stolen or lost, or any other event has occurred, the licensee of nuclear energy activity, etc. shall notify a police official or a Coast Guard Officer without delay.

(Emergency Measures)

Article 64 (1) When an earthquake, fire or any other disaster occurs and threatens to cause or causes a disaster involving nuclear fuel material, material contaminated by nuclear fuel material or reactor that an licensee of nuclear energy activity, etc. possesses (including a person entrusted with shipment from an licensee of nuclear energy activity, etc. and a commissioned storage undertaker; hereinafter the same shall apply in this Article), the licensee of nuclear energy activity, etc. shall take emergency measures immediately, pursuant to the provision of the Ordinance of the competent ministry (order issued by the minister prescribed respectively in those items in accordance with the classifications for licensee of nuclear energy activity, etc. listed in the items of paragraph (3)).

(2) Any person who discovers the situation set forth in the preceding paragraph shall notify a police official or a Coast Guard Officer immediately.

(3) When, in the case set forth in paragraph (1), the Minister of MEXT, Minister of METI or Minister of MLIT finds it urgently necessary in order to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material or a reactor, he/she may order the person provided in said paragraph to suspend use of the refining facility, fuel facility, reactor facility, spent fuel interim storage facility, reprocessing facility, waste disposal facility or waste storage facility, or usage facility, in accordance with the classifications for licensee of nuclear energy activity, etc. listed in each of the following items, move the nuclear fuel material or material contaminated by

nuclear fuel material, or take any other measures necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors.

- (i) licensee of refining activity, licensee of fabricating or enrichment activity, licensee of spent fuel interim storage activity, licensee of reprocessing and licensee of waste disposal (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc. and former licensee of waste disposal activity, etc.), and a person entrusted with shipment from such persons: Minister of METI (Minister of METI or Minister of MLIT in cases pertaining to the shipment provided in Article 59 (1), in accordance with the classifications provided in said paragraph; Minister of MLIT in cases pertaining to shipment via vessel or aircraft)
- (ii) User (including former users, etc.; hereinafter the same shall apply in this item), and a person entrusted with shipment from a user: Minister of MEXT (Minister of MEXT or Minister of MLIT in cases pertaining to the shipment provided in Article 59 (1), in accordance with the classifications provided in said paragraph; Minister of MLIT in cases pertaining to shipment via vessel or aircraft)
- (iii) licensee of reactor operation (including former licensee of reactor operation, etc.; hereinafter the same shall apply in this item), and a person entrusted with shipment from the said reactor establisher: Minister provided respectively in those items in accordance with the classifications for reactors listed in the items of Article 23 (1) (minister provided in Article 23 (1) or Minister of MLIT in cases pertaining to the shipment provided in Article 59 (1), in accordance with the classifications provided in said paragraph; Minister of MLIT in cases pertaining to shipment via vessel or aircraft)
- (iv) Operator of a foreign nuclear vessel and a person entrusted with shipment from an operator of a foreign nuclear vessel: Minister of MLIT
- (v) Commissioned storage contractor: Minister prescribed respectively in those items, in accordance with the classifications listed in the items of Article 60 (1)

(Rules of Administration)

Article 65 (1) JNES shall, before commencing work pertaining to affairs such as inspections, etc. (part of affairs related to the inspections and confirmations listed in each of the following items, as well as inspections and confirmations; the same shall apply hereinafter), specify rules related to the implementation of affairs such as inspections, etc. (hereinafter referred to as "rules of administration"), and notify the minister prescribed respectively in those items

(hereinafter referred to as "competent minister" in this Article and Article 68-2). The same shall apply when making changes to such rules.

(i) Part of affairs related to the inspection provided in Article 16-3 (3) (including the cases where applied mutatis mutandis pursuant to Article 28 (3), Article 43-9 (3), Article 46 (3) and Article 51-8 (3)) and Article 16-5 (3) (including the cases where applied mutatis mutandis pursuant to Article 29 (3), Article 43-11 (3), Article 46-2-2 (3) and Article 51-10 (3)): Minister of METI

(ii) Part of affairs related to the confirmation provided in Article 61-2 (4): Minister of METI

(iii) Inspection provided in Article 61-24 (1): Minister of METI

(iv) Inspection provided in Article 61-24 (2): Minister of MEXT

(v) Part of affairs related to the confirmation provided in Article 51-6 (3): Minister of METI

(vi) Confirmation provided in Article 61-25 (1): Minister of METI

(vii) Confirmation provided in Article 61-25 (2): Minister of MEXT

(viii) Confirmation provided in Article 61-26 (1): Minister of METI

(ix) Confirmation provided in Article 61-26 (2): Minister of MEXT

(x) Confirmation specified in Article 61-27: Minister of MLIT

(2) When the competent minister finds that the rules of administration concerned in the notification made set forth in the preceding paragraph are not appropriate for the proper and assured implementation of affairs such as inspections, etc., he/she may order such rules of administration to be changed.

(3) The matters that should be specified in the rules of administration shall be prescribed in the Ordinance of the competent ministry (order issued by competent minister; hereinafter the same shall apply in this Article).

(Person Implementing Affairs such as Inspections, etc.)

Article 66 When JNES conducts affairs such as inspections, etc., it shall make a person with the qualifications specified in the Ordinance of the competent ministry implement the affairs.

(Allegation to the Competent Minister, etc.)

Article 66-2 (1) In the case that there is a fact that any licensee of nuclear energy activity, etc. (excluding operators of a foreign nuclear vessel; hereinafter the same shall apply in this Article) has violated the provisions of this Act or an order pursuant to this Act, any employee of the licensee of nuclear energy activity, etc., may allege this fact to the minister prescribed respectively in those items in accordance with the classifications for licensee of nuclear energy activity, etc. listed in the following items, or to the Nuclear Safety Commission.

- (i) licensee of refining activity, licensee of fabricating or enrichment activity, licensee of spent fuel interim storage activity, licensee of reprocessing and licensee of waste disposal (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc. and former licensee of waste disposal activity, etc.): Minister of METI
  - (ii) User (including former users, etc.): Minister of MEXT
  - (iii) Licensee of reactor operation (including former licensee of reactor operation, etc.): Minister prescribed respectively in those items in accordance with the classifications for reactors listed in the items of Article 23 (1)
- (2) The licensee of nuclear energy activity, etc. shall not dismiss an employee, or give an employee other disadvantageous treatment by reason of such employee's having made an allegation set forth in the preceding paragraph.

(Collection of Reports)

Article 67 (1) The Minister of MEXT, the Minister of METI, the Minister of MLIT or the prefectural public safety commission may request, within the limit necessary for enforcing this Act (the provision of Article 59 (6) in the case of the prefectural public safety commission), any licensee of nuclear energy activity, etc. (including any nuclear source material user, any person using international controlled material and any international specified activities implementer) to submit a report relating to his/her activity, in accordance with the classifications for licensee of nuclear energy activity, etc. listed in each item under Article 64 (3) (notwithstanding said classifications in each of the items in said paragraph, the Minister of MEXT shall make this request to nuclear source material users, persons using international controlled material and international specified activities implementers, and the prefectural public safety commission shall make this request in the case that the notification provided in Article 59 (5) has been made).

- (2) In addition to the collection of reports pursuant to the provision of the preceding paragraph, in the case that any licensee of nuclear energy activity, etc. (excluding operators of a foreign nuclear vessel, and in the case of users and former users, etc., limited to those who were required to specify safety provisions pursuant to the provision of Article 56-3 (1); hereinafter the same shall apply in this paragraph) was requested to submit a report, and when the Minister of MEXT, the Minister of METI or the Minister of MLIT finds it particularly necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material or reactors, said Ministers may request, within the limit necessary for enforcing this Act, any licensee of activity who has conducted a maintenance and inspection of a

refining facility, fabricating facility, reactor facility, spent fuel interim storage facility, reprocessing facility, waste disposal facility, waste storage facility or usage facility, etc., established by an licensee of nuclear energy activity, etc. to submit a necessary report.

- (3) The Minister of MEXT, Minister of METI and Minister of MLIT may, within the limit necessary for enforcing this Act, request JNES to make a report related to its work, in accordance with the classifications for affairs such as inspections, etc. listed in each of the items in Article 65 (1).
- (4) The Minister of MEXT, Minister of METI and Minister of MLIT may, in addition to the collection of reports pursuant to the provisions of paragraph (1) and the preceding paragraph, request any captain of a vessel or other people concerned to make a necessary report, within the limit necessary for enforcing the provision of Article 62 (1).
- (5) The Minister of MEXT may, in addition to the collection of reports pursuant to the provision of paragraph (1), request any person using international controlled material or other people concerned to make a report related to the matters pertaining to requests by the International Atomic Energy Agency and any other matters provided for in the Cabinet Order, within the limit necessary for making a report or explanation to the International Atomic Energy Agency pursuant to the provision of additional protocols.

(Nuclear Facility Inspector, Nuclear Safety Inspector and Physical Protection Inspector)

- Article 67-2 (1) A nuclear facility inspector, operational safety inspector and physical protection inspector shall be assigned in the Ministry of MEXT and Ministry of METI.
- (2) The nuclear facility inspector at the Ministry of MEXT shall engage in affairs related to the inspection set forth in Articles 28 to 29, Article 55-2 or Article 55-3, and the nuclear facility inspector at the Ministry of METI shall engage in affairs related to the inspection set forth in Articles 16-3 to 16-5, Articles 28 to 29, Articles 43-9 to 43-11, Articles 46 to 46-2-2 or Articles 51-8 to 51-10.
  - (3) The operational safety inspector at the Ministry of MEXT shall engage in affairs related to the inspection set forth in Article 37 (5) or Article 56-3 (5) (the inspection set forth in Article 37 (5) shall be limited to matters pertaining to the reactors set forth in items (iii) and (v) of Article 23 (1)), and the nuclear safety inspector at the Ministry of METI shall engage in affairs related to the inspection set forth in Article 12 (5), Article 22 (5), Article 37 (5), Article 43-20 (5), Article 50 (5) or Article 51-18 (5) (the inspection set forth in Article 37 (5) shall be limited to matters pertaining to commercial power reactors and the reactors listed in item (iv) of Article 23 (1)).
  - (4) The Physical protection inspector at the Ministry of MEXT shall engage in

affairs related to the inspection set forth in Article 12-2 (5) as applied mutatis mutandis pursuant to Article 43-2 (2) or Article 57-2 (2) (the inspection set forth in Article 12-2 (5) as applied mutatis mutandis pursuant to Article 43-2 (2) shall be limited to matters pertaining to the reactors listed in items (iii) and (v) of Article 23 (1)), and the physical protection inspector at the Ministry of METI shall engage in affairs related to the inspection set forth in Article 12-2 (5) (including the cases where applied mutatis mutandis pursuant to Article 22-6 (2), Article 43-2 (2), Article 43-25 (2), Article 50-3 (2) and Article 51-23 (2)) (the inspection set forth in Article 12-2 (5) as applied mutatis mutandis pursuant to Article 43-2 (2) shall be limited to matters pertaining to commercial power generation reactors and the reactors listed in item (iv) of Article 23 (1)).

- (5) The necessary matters related to the fixed number and qualifications of the nuclear facility inspector, operational safety inspector and physical protection inspector shall be specified by Cabinet Order.

(On-site Inspections, etc.)

Article 68 (1) The Minister of MEXT, Minister of METI, Minister of MLIT or prefectural public safety commission may, within the limit necessary for enforcing this Act (for the Minister of MEXT, Minister of METI and Minister of MLIT, the provisions of this Act in accordance with the classifications for licensee of nuclear energy activity, etc. listed in each of the items in Article 64 (3) (Minister of MEXT for nuclear source material users, international controlled material users, persons provided in each of the items in Article 61-3 (1) in the case that any of said items are applicable, persons provided in paragraphs (5), (6), (8) and (9) of said Article and international specified activities implementers, notwithstanding said classifications in each of the items in Article 64 (3)); for a prefectural public safety commission, the provision of Article 59 (6)), allow an official (police official in the case of a prefectural public safety commission) to enter the office, factory or place of activity of any licensee of nuclear energy activity, etc. (including nuclear source material users, international controlled material users, persons provided in each of the items in Article 61-3 (1) in the case that any of said items are applicable, persons provided in paragraphs (5), (6), (8) and (9) of said Article and international specified activities implementers), inspect books, documents and any other necessary property, and question the people concerned or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for examination.

- (2) The Minister of MEXT, Minister of METI or Minister of MLIT may, within the limit necessary for enforcing this Act (for the Minister of MEXT, the provision

- of Article 28-2 (1) pertaining to the reactors listed in items (iii) and (v) of Article 23 (1) and auxiliary facilities and the provision of Article 55-3 (1); for the Minister of MLIT, the provision of Article 28-2 (1) pertaining to commercial marine reactors and auxiliary facilities), allow an official to enter the office, factory or place of activity of any person welding a facility provided in Article 16-4 (1), Article 28-2 (1), Article 43-10 (1), Article 46-2 (1), Article 51-9 (1) or Article 55-3 (1), inspect books, documents and any other necessary property, or question the people concerned.
- (3) The Minister of MEXT, Minister of METI or Minister of MLIT may, in addition to the on-site inspection specified in paragraph (1), and within the limit necessary for enforcing the provision of Article 62 (1), allow an official to enter a vessel, inspect books, documents and any other necessary property, and question the people concerned or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for examination.
- (4) The Minister of MEXT may, in addition to the on-site inspection specified in paragraph (1), and within the limit necessary for providing an explanation to the International Atomic Energy Agency pursuant to the provision of additional protocols or for ensuring the implementation of an on-site inspection pursuant to the provision of paragraph (13), allow an official to enter the office, factory, place of activity or any other location of any international controlled material user, etc., inspect books, documents and any other necessary property, and question the people concerned or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for examination.
- (5) The Minister of MEXT, Minister of METI or Minister of MLIT may, in accordance with the classifications for affairs such as inspections, etc. listed in each of the items under Article 65 (1), and within the limit necessary for enforcing this Act, allow an official to enter the office or place of activity of JNES, inspect books, documents and any other necessary property, or question the people concerned.
- (6) When the official enters pursuant to the provision of each of the preceding paragraphs, he/she shall carry an identification card and produce it when requested by people concerned.
- (7) When the Minister of MEXT, Minister of METI or Minister of MLIT finds it necessary, he/she may, in accordance with the classifications for affairs such as inspections, etc. listed in each of the items in Article 65 (1), allow JNES to conduct an on-site inspection, question people concerned or request the submission of materials pursuant to the provisions of paragraphs (1) to (3) (hereinafter referred to as "on-site inspection, etc.").
- (8) When the Minister of MEXT, Minister of METI or Minister of MLIT allows

JNES to conduct an on-site inspection, etc. pursuant to the provision of the preceding paragraph, he/she shall indicate the location of the relevant on-site inspection, etc. and any other necessary matters to JNES, and instruct JNES to implement the on-site inspection, etc.

- (9) When JNES has conducted the on-site inspection, etc. provided in paragraph (7) in compliance with the instructions set forth in the preceding paragraph, it shall report the results of the on-site inspection, etc. to the Minister of MEXT, Minister of METI or Minister of MLIT.
- (10) When an official of JNES conducts an on-site inspection, etc. pursuant to the provision of paragraph (7), he/she shall carry an identification card and produce it when requested by people concerned.
- (11) The authority pursuant to the provisions of paragraphs (1) to (5) shall not be construed as one that is authorized for a criminal investigation.
- (12) A person designated by the International Atomic Energy Agency or a person designated by the government of the State supplying international controlled material may, under the attendance of an official designated by the Minister of MEXT (including an official of the Ministry of METI or Ministry of MLIT who conducts safeguards inspections pursuant to the provision of Article 74-2 (1) or on-site inspections pursuant to the provision of paragraph (2) of said Article; hereinafter the same shall apply in the following paragraph, paragraph (17) and paragraph (18)) or a safeguards inspector who conducts safeguards inspections pursuant to the provision of Article 61-23-7 (2), and within the scope provided in international agreements, enter the office, factory or place of activity of any international controlled material user, any person provided in each of the items in Article 61-3 (1) in the case that any of said items are applicable or any person provided in paragraph (5), (6), (8) or (9) of said Article, inspect books, documents and any other necessary property, and question the people concerned or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for examination.
- (13) A person designated by the International Atomic Energy Agency may, in addition to the on-site inspection prescribed in the preceding paragraph, and under the attendance of an official designated by the Minister of MEXT (in cases specified by Cabinet Order, an official designated by the Minister of MEXT and official designated by the Minister of Foreign Affairs; hereinafter the same shall apply in paragraph (18)), enter the office, factory, place of activity of any international controlled material user, or any other location designated by the International Atomic Energy Agency and inspect books, documents and any other necessary property, or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for examination, within the scope



prescribed in additional protocols.

- (14) The provision of paragraph (6) shall apply mutatis mutandis to cases where an official designated by the Minister of Foreign Affairs pursuant to the provision of the preceding paragraph is in attendance.
- (15) The Minister of MEXT may, within the limit necessary for implementing safeguards based on safeguards agreements, and pursuant to the provision of the Ordinance of MEXT, allow an official to affix any seals or install any devices necessary for monitoring the movement of international controlled material within the factory or place of activity of any person using international controlled material.
- (16) The Minister of MEXT may, in addition to affixing any seals or installing any devices pursuant to the provision set forth in the preceding paragraph, and within the limit necessary for implementing safeguards based on additional protocols, allow an official to affix any seals or install any devices necessary for monitoring the movement of international controlled material and any other materials within the factory, place of activity, or any other location of any person using international controlled material.
- (17) A person designated by the International Atomic Energy Agency may, under the attendance of an official designated by the Minister of MEXT or a safeguards inspector who conducts safeguards inspections pursuant to the provision of Article 61-23-7 (2), and within the scope specified by safeguards agreements, affix any seals or install any devices necessary for monitoring the movement of international controlled material within the factory or place of activity of any person using international controlled material.
- (18) A person designated by the International Atomic Energy Agency may, in addition to affixing any seals or installing any devices pursuant to the provision set forth in the preceding paragraph, and under the attendance of an official designated by the Minister of MLIT, affix any seals or install any devices necessary for monitoring the movement of international controlled material and other material within the factory, place of activity or any other location of any person using international controlled material, within the scope specified by additional protocols.
- (19) No person shall remove or damage any seal or device affixed or installed pursuant to the provisions of paragraphs (15) to the preceding paragraph without justifiable grounds.

(Orders to JNES)

Article 68-2 When the competent minister finds it necessary to ensure proper implementation of work pertaining to affairs such as inspections, etc. and work such as on-site inspections, etc. provided in paragraph (7) of the preceding Article, he/she may give JNES any necessary orders related to such work.

(Secrecy Obligation)

Article 68-3 (1) Any atomic energy activity operator, etc. (including persons entrusted with shipment from an atomic energy activity operator, etc. and commissioned storage contractors; hereinafter the same shall apply in the following paragraph), any employee of an atomic energy activity operator, etc. and any person who was previously an atomic energy activity operator, etc. or an employee of one shall not, without justifiable grounds, divulge any secret that he/she has learned with respect to physical protection of specific nuclear fuel material.

(2) Any person who has been entrusted with work related to the protection of specified nuclear fuel material from the State or an atomic energy activity operator, etc., any employee of such a person, any person who had been previously entrusted with such work and any previous employee of such a person shall not, without justifiable grounds, divulge any secret that he/she has learned with respect to physical protection of specific nuclear fuel material related to the work with which he/she has been entrusted.

(3) Any employee of a national government administrative organ or a local government, or any such former employee who was able to learn a secret related to the physical protection of specific nuclear fuel material in the course of duties shall not, without justifiable grounds, divulge this secret.

(Special Exceptions Concerning Hearings)

Article 69 (1) When the Minister of MEXT, Minister of METI or Minister of MLIT intends to issue an order suspending the activity, suspending the operation of reactors, suspending the use of nuclear fuel material or international controlled material, or suspending all or part of information processing work specified in Article 10 (2), Article 20 (2), Article 33 (2), Article 43-16 (2), Article 46-7 (2), Article 51-14 (2), Article 56, Article 61-6 or Article 61-21, he/she shall hold a hearing, notwithstanding the classifications for procedures for the statement of opinions pursuant to the provision of Article 13 (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(2) The proceedings on the date of the hearing pertaining to the disposition specified in Article 10, Article 12-5 (including the cases where applied mutatis mutandis pursuant to Article 22-7 (2), Article 43-3 (2), Article 43-26 (2), Article 50-4 (2), Article 51-24 (2) and Article 57-3 (2)), Article 20, Article 22-3 (3), Article 33, Article 41 (3), Article 43-16, Article 46-7, Article 51-14, Article 56, Article 61-6, Article 61-21 or Article 61-23-16 shall be open to the public.

(3) When a person who has an interest in a disposition requests to participate in procedures related to the hearing set forth in the preceding paragraph pursuant to the provision of Article 17 (1) of the Administrative Procedure Act,

the person presiding over said hearing shall grant permission for such participation.

(Appeals, etc.)

Article 70 (1) Any person who is dissatisfied with the disposition pertaining to the safeguards inspections conducted by a designated organization implementing safeguards inspections, etc., the disposition pertaining to an inspection or confirmation conducted by JNES pursuant to the provisions of this Act, or the inaction of such disposition may apply for examination as pursuant to the Administrative Appeal Act (Act No. 160 of 1962) to the Minister of MEXT for dispositions taken by a designated organization implementing safeguards inspections, etc. or the minister prescribed respectively in those items in accordance with classifications for inspections and confirmation listed in the following items for dispositions or inaction taken by JNES.

(i) Inspection provided in Article 61-24 (1): Minister of METI

(ii) Inspection provided in Article 61-24 (2): Minister of MEXT

(iii) Confirmation provided in Article 61-25 (1): Minister of METI

(iv) Confirmation provided in Article 61-25 (2): Minister of MEXT

(v) Confirmation provided in Article 61-26 (1): Minister of METI

(vi) Confirmation provided in Article 61-26 (2): Minister of MEXT

(vii) Confirmation set forth in Article 61-27: Minister of MLIT

(2) A lawsuit for revocation of a disposition pursuant to the provision of this Act (excluding Article 22-3 (1) and (2) and Article 41 (1) and (2)) shall not be instituted until after a decision is made on the filing of the objection regarding said disposition (determination on the application for examination for a disposition where it is possible to apply for examination pursuant to the provision of the preceding paragraph).

(3) The provision of Article 27 (2) of the Administrative Procedure Act shall not apply to dispositions pursuant to the provision of this Act.

(Consent, etc. Regarding Dispositions, etc.)

Article 71 (1) When the Minister of MEXT, Minister of METI or Minister of MLIT makes a disposition pursuant to the provision of Article 23 (1), Article 23-2 (1), Article 26 (1), Article 26-2 (1), Article 31 (1), Article 33 or Article 39 (1) or (2), or attaches conditions pursuant to the provision of Article 62-2 (2) (hereinafter referred to as "when disposition, etc. is made" in this paragraph), he/she shall, in accordance with the classifications of cases listed in each of the following items, obtain the consent of the minister prescribed respectively in those items in advance.

(i) When disposition, etc. is made by the Minister of MLIT pertaining to

- reactors listed in item (iii) of Article 23 (1) and provided for power generation: Minister of METI
- (ii) When disposition, etc. is made by the Minister of METI or Minister of MEXT pertaining to reactors listed in item (iv) or (v) of Article 23 (1) and installed on a vessel (including a vessel on which said reactor has been installed): Minister of MLIT
- (iii) When disposition, etc. is made by the Minister of METI or Minister of MLIT pertaining to commercial power generation reactors, reactors or commercial marine reactors listed in item (iv) of Article 23 (1) (including a vessel on which said reactor has been installed), or reactor vessels or foreign nuclear vessels provided in Article 39 (2): Minister of MEXT
- (2) The Minister of MEXT, Minister of METI or Minister of MLIT may, when he/she finds it particularly necessary to conduct an investigation relating to the matters for which the consent set forth in the preceding paragraph was requested, request said reactor establisher, etc. or operator of foreign nuclear vessel (including any applicant for the permission set forth in Article 23 (1), Article 23-2 (1) or Article 39 (1) or (2)) to submit any necessary reports, or allow an official to enter the office, factory or place or activity of said reactor establisher or operator of a foreign nuclear vessel, inspect books, documents and any other necessary property, and question the people concerned.
- (3) The provisions of Article 68 (6) and (11) shall apply mutatis mutandis to an on-site inspection pursuant to the provision of the preceding paragraph.
- (4) When the Minister of METI has made a disposition pursuant to the provision of Article 3 (1), Article 6 (1), Article 8 (1), Article 10, Article 13 (1), Article 16 (1), Article 18 (1), Article 20, Article 43-4 (1), Article 43-7 (1), Article 43-14 (1), Article 43-16, Article 44 (1), Article 44-4 (1), Article 46-5 (1), Article 46-7, Article 51-2 (1), Article 51-5 (1), Article 51-12 (1), Article 51-14 or Article 51-19 (1), or has attached conditions pursuant to the provision of Article 62-2 (2) to the designation set forth in Article 3 (1) or Article 44 (1) or to the permission set forth in Article 13 (1), Article 43-4 (1) or Article 51-2 (1), he/she shall consult with the Minister of MEXT in advance.
- (5) When the Minister of MEXT finds it particularly necessary to conduct an investigation relating to the matters for which the consultation set forth in the preceding paragraph was requested, he/she may request said licensee of refining activity (including any applicant for the designation set forth in Article 3 (1)), said licensee of fabricating or enrichment activity (including any applicant for the permission set forth in Article 13 (1)), said licensee of spent fuel interim storage activity (including any applicant for the permission set forth in Article 43-4 (1)), said licensee of reprocessing activity (including any applicant for the designation set forth in Article 44 (1)) or said licensee of waste disposal activity (including any applicant for the permission set forth in

Article 51-2 (1)) to submit any necessary reports.

- (6) In addition to the matters prescribed in this Act, notifications to the Minister of MEXT, Minister of METI or Minister of MLIT and any other procedures in the case that the Minister of MEXT, Minister of METI, Minister of MLIT or JNES has made a disposition, received notification or taken any other act (limited to those prescribed in the Cabinet Order) pursuant to the provisions of this Act shall be specified by Cabinet Order.

(Relationship with the National Public Safety Commission, etc.)

Article 72 (1) When the Minister of MEXT, Minister of METI or Minister of MLIT is to grant the approval set forth in Article 12-2 (1), Article 22-6 (1), Article 43-2 (1), Article 43-25 (1), Article 50-3 (1), Article 51-23 (1) or Article 57-2 (1), he/she shall hear the opinion of the National Public Safety Commission or the Commandant of the Japan Coast Guard in advance, pursuant to the provision of the 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, said Commission or Commandant may, pursuant to the provision of the Cabinet Order, state their opinion to the Minister of METI for matters related to the enforcement of the provision of Article 11-2 (1), Article 12-2 (3) or (5) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 22-6 (2), Article 43-25 (2), Article 50-3 (2) and Article 51-23 (2)), Article 12-3 (1), Article 21-2 (2), Article 22-7 (1), Article 43-18 (2), Article 43-26 (1), Article 48 (2), Article 50-4 (1), Article 51-16 (4) or Article 51-24 (1); to the Minister of MEXT for matters related to the enforcement of the provision of Article 57 (2), Article 12-2 (3) or (5) as applied mutatis mutandis pursuant to Article 57-2 (2), or Article 57-3 (1); to the minister provided respectively in those items Article 23 (1) in accordance with the classifications for reactors listed in the items of Article 23 (1) for matters related to the enforcement of the provision of Article 35 (2), Article 12-2 (3) or (5) as applied mutatis mutandis pursuant to Article 43-2 (2), or Article 43-3 (1) and pertaining to reactor establishers, or to the Minister of MLIT for matters related to such provisions that pertain to operators of foreign nuclear vessels; or to the competent minister provided in Article 60 (1) for matters related to the enforcement of the provision of paragraph (2) of said Article.

- (3) The National Public Safety Commission or the Commandant of the Japan Coast Guard may, within the limit necessary for enforcing the provision of the two preceding paragraphs, allow an officer (officer of the National Police Agency in the case of the National Public Safety Commission) to enter the office, factory or place of activity of any licensee of nuclear energy activity, etc. and inspect books, documents and any other necessary property, or question

the people concerned.

- (4) The provisions of Article 68 (6) and (11) shall apply mutatis mutandis to on-site inspections pursuant to the provision of the preceding paragraph.
- (5) When the Minister of MEXT, Minister of METI or Minister of MLIT has granted the designation set forth in Article 3 (1) or Article 44 (1), granted the permission set forth in Article 6 (1), Article 13 (1), Article 16 (1), Article 23 (1), Article 23-2 (1), Article 26 (1), Article 26-2 (1), Article 39 (1) or (2), Article 43-4 (1), Article 43-7 (1), Article 44-4 (1), Article 51-2 (1), Article 51-5 (1), Article 51-19 (1), Article 52 (1) or Article 55 (1), rescinded a designation pursuant to the provision of Article 10 or Article 46-7, rescinded a permission pursuant to the provision of Article 20, Article 33, Article 43-16, Article 51-14 or Article 56, granted the approval set forth in Article 12-2 (1), Article 22-6 (1), Article 43-2 (1), Article 43-25 (1), Article 50-3 (1), Article 51-23 (1) or Article 57-2 (1), carried out the confirmation set forth in Article 12-6 (8) (including cases applied mutatis mutandis pursuant to Article 22-8 (3), Article 43-3-2 (3), Article 43-27 (3), Article 50-5 (3), Article 51-25 (3) and Article 57-6 (3)) or Article 12-7 (9) (including the cases where applied mutatis mutandis pursuant to Article 22-9 (5), Article 43-3-3 (4), Article 43-28 (4), Article 51 (4), Article 51-26 (4) and Article 57-7 (4)), carried out the inspection set forth in Article 12-2 (5) (including the cases where applied mutatis mutandis pursuant to Article 22-6 (2), Article 43-2 (2), Article 43-25 (2), Article 50-3 (2), Article 51-23 (2) and Article 57-2 (2)), or received a notification pursuant to the provision of Article 12-3 (2) (including the cases where applied mutatis mutandis pursuant to Article 22-7 (2), Article 43-3 (2), Article 43-26 (2), Article 50-4 (2), Article 51-24 (2) and Article 57-3 (2)) or Article 57-8 (1) or (3), he/she shall, without delay, liaise with the National Public Safety Commission or the Commandant of the Japan Coast Guard.

Article 72-2 The National Public Safety Commission, the Minister of MEXT, the Minister of METI and the Minister of MLIT shall cooperate together with respect to the regulations for the physical protection of specific nuclear fuel material pursuant to 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 proper disposal of waste (waste as provided in Article 2 (1) of the Waste Disposal and Cleaning Act; hereinafter the same shall apply in paragraph (3)), he/she may state his/her opinion related to the enforcement of the provision of Article 61-2 (1) or (2) to the Minister of MEXT, Minister of METI or Minister of MLIT.
- (2) When the Minister of MEXT, Minister of METI or Minister of MLIT has

carried out the confirmation set forth in Article 61-2 (1) or granted the approval set forth in paragraph (2) of said Article, he/she shall, without delay, liaise with the Minister of the Environment.

- (3) The Minister of MEXT, Minister of METI or Minister of MLIT 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 (1) has been obtained is deemed as being waste.

(Reports, etc. to the Nuclear Safety Commission)

Article 72-3 (1) When the Minister of MEXT, Minister of METI or Minister of MLIT finds it necessary when submitting a quarterly report to the Nuclear Safety Commission regarding the state of implementation of the approvals and inspections listed in the items below in the preceding quarter, he/she shall hear the opinion of the Nuclear Safety Commission and take necessary measures to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material or reactors:

- (i) approval for operational safety regulations pursuant to the provision of Article 12 (1), Article 22 (1), Article 37 (1), Article 43-20 (1), Article 50 (1), Article 51-18 (1) and Article 56-3 (1), and for changes made to such operational safety regulations;
- (ii) approval for a plan for decommissioning pursuant to the provision of Article 12-6 (2) and (3) (including the cases where applied mutatis mutandis pursuant to Article 22-8 (3), Article 43-3-2 (3), Article 43-27 (3), Article 50-5 (3), Article 51-25 (3) and Article 57-6 (3)), Article 12-7 (2) and (4) (including the cases where applied mutatis mutandis pursuant to Article 22-9 (5), Article 43-3-3 (4), Article 43-28 (4), Article 51 (4), Article 51-26 (4) and Article 57-7 (4)), Article 22-8 (2), Article 22-9 (2), Article 43-3-2 (2), Article 43-3-3 (2), Article 43-27 (2), Article 43-28 (2), Article 50-5 (2), Article 51 (2), Article 51-25 (2), Article 51-26 (2), Article 57-6 (2) and Article 57-7 (2), and for changes made to such a plan for decommissioning;
- (iii) approval for a design and construction method pursuant to the provisions of Article 16-2 (1) and (2), Article 27 (1) and (2), Article 43-8 (1) and (2), Article 45 (1) and (2) and Article 51-7 (1) and (2), and for changes made to such design and construction method;
- (iv) pre-operational inspection pursuant to the provision of Article 16-3 (1), Article 28 (1), Article 43-9 (1), Article 46 (1) and Article 51-8 (1), and inspection of facilities pursuant to the provision of Article 55-2 (1);
- (v) welding inspection pursuant to the provision of Article 16-4 (1), Article 28-2 (1), Article 43-10 (1), Article 46-2 (1), Article 51-9 (1) and Article 55-3 (1);
- (vi) periodic inspection of facilities pursuant to the provision of Article 16-5 (1), Article 29 (1), Article 43-11 (1), Article 46-2-2 (1) and Article 51-10 (1);

(vii) approval for a plan for closure measures pursuant to the provision of Article 12-6 (3) as applied mutatis mutandis under Article 51-24-2 (1) and paragraph (3) of said Article, and for changes made to such a plan for closure measures; and

(viii) approval pursuant to the provision of Article 61-2 (2).

(2) The Minister of MEXT, Minister of METI or Minister of MLIT shall, in addition to the report as provided for by the preceding paragraph, report to the Nuclear Safety Commission regarding matters pertinent to the state of enforcement of this Act and that are also related to the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material or reactors, pursuant to the provision of the Ordinance of MEXT, Ordinance of METI or Ordinance of MLIT.

(Cooperation toward Investigations Conducted by the Nuclear Safety Commission)

Article 72-4 In the case where the Nuclear Safety Commission conducts an investigation regarding matters pertaining to any report pursuant to the provision of paragraph (1) or (2) of the preceding Article, any licensee of nuclear energy activity, etc. (excluding operators of foreign nuclear vessels) or undertaker who conducts maintenance inspections of refining facilities, fuel facilities, reactor facilities, spent fuel interim storage facilities, reprocessing facilities, waste disposal facilities, waste storage facilities or usage facilities, etc. shall cooperate with said investigation.

(Exclusion from Application)

Article 73 The provisions from Article 27 to 29 shall not apply to reactor facilities that should undergo an inspection based on the Electricity Utility Law (Act No. 170 of 1964) and based on the provision of an order pursuant to said Act, or an inspection based on the Ship Safety Act (Act No. 11 of 1933) and based on the provision of an order pursuant to said Act and that pertain to commercial nuclear power reactors or commercial marine reactors.

(Transitional Measures)

Article 74 (1) When an order is enacted, revised or abolished based on the provisions of this Act, the required transitional measures (including transitional measures related to penal provisions; hereinafter the same shall apply in the following paragraph) may be specified, within the scope determined as being reasonably necessary for the enactment, revision or abolishment of said order.

(2) In addition to the matters prescribed in the preceding paragraph, in the case that the scope of international controlled materials is changed based on



procedures specified in international agreements, or in the case that the activities listed in Annex I of additional protocols are changed based on 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 such changes.

(Special Cases for Affairs)

- Article 74-2 (1) Safeguards inspections may be conducted by an official of the Ministry of METI or Ministry of MLIT, pursuant to the provision of the Cabinet Order.
- (2) The affairs that the Minister of MEXT may allow his/her official to perform pursuant to the provisions of Article 68 (1), (4), (15) and (16) may be performed by an official of the Ministry of METI or Ministry of MLIT pursuant to the provision of the Cabinet Order.
- (3) The provisions of Article 68 (6) and (11) shall apply mutatis mutandis to an on-site inspection that an official of the Ministry of METI or Ministry of MLIT is allowed to conduct pursuant to the provision of the preceding paragraph.

(Payment of Fees)

- Article 75 (1) Any person who falls under any of the following items shall pay a fee of the amount specified by Cabinet Order by considering the actual cost into consideration:
- (i) a person who intends to obtain the designation set forth in Article 3 (1) or Article 44 (1);
- (ii) a person who intends to obtain the permission set forth in Article 6 (1), Article 13 (1), Article 16 (1), Article 23 (1), Article 23-2 (1), Article 26 (1), Article 26-2 (1), Article 39 (1) or (2), Article 43-4 (1), Article 43-7 (1), Article 44-4 (1), Article 51-2 (1), Article 51-5 (1), Article 51-19 (1), Article 52 (1), Article 55 (1) or Article 61-3 (1);
- (iii) a person who intends to obtain the approval set forth in Article 12-6 (2) or (3) (including cases applied mutatis mutandis to Article 22-8 (3), Article 43-3-2 (3), Article 43-27 (3), Article 50-5 (3), Article 51-24-2 (3), Article 51-25 (3) and Article 57-6 (3)), Article 12-7 (2) or (4) (including the cases where applied mutatis mutandis pursuant to Article 22-9 (5), Article 43-3-3 (4), Article 43-28 (4), Article 51 (4), Article 51-26 (4) and Article 57-7 (4)), Article 16-2 (1) or (2), Article 22-8 (2), Article 22-9 (2), Article 27 (1) or (2), Article 43-3-2 (2), Article 43-3-3 (2), Article 43-8 (1) or (2), Article 43-27 (2), Article 43-28 (2), Article 45 (1) or (2), Article 50-5 (2), Article 51 (2), Article 51-7 (1) or (2), Article 51-24-2 (1), Article 51-25 (2), Article 51-26 (2), Article 57-6 (2), Article 57-7 (2) or Article 61-2 (2);
- (iv) a person who intends to undergo the inspection set forth in Article 16-3 (1),

- Article 16-4 (1) or (4), Article 16-5 (1), Article 28 (1), Article 28-2 (1) or (4), Article 29 (1), Article 43-9 (1), Article 43-10 (1) or (4), Article 43-11 (1), Article 46 (1), Article 46-2 (1) or (4), Article 46-2-2 (1), Article 51-8 (1), Article 51-9 (1) or (4), Article 51-10 (1), Article 55-2 (1) or Article 55-3 (1);
- (v) a person who intends to obtain the confirmation set forth in Article 12-6 (8) (including the cases where applied mutatis mutandis pursuant to Article 22-8 (3), Article 43-3-2 (3), Article 43-27 (3), Article 50-5 (3), Article 51-25 (3) and Article 57-6 (3)), Article 12-7 (9) (including the cases where applied mutatis mutandis pursuant to Article 22-9 (5), Article 43-3-3 (4), Article 43-28 (4), Article 51 (4), Article 51-26 (4) and Article 57-7 (4)), Article 51-6 (1) or (2), Article 51-24-2 (2), Article 58 (2), Article 59 (2) or Article 61-2 (1), or the approval set forth in Article 59 (3);
- (vi) a person who intends to undergo the examination for chief engineer of nuclear fuel set forth in item (i) of Article 22-3 (1) or a person who intends to undergo the examination for chief technician of reactors set forth in item (i) of Article 41 (1); or
- (vii) any person who intends to have his/her certification for chief engineer of nuclear fuel or license for chief engineer of reactors reissued.
- (2) The fee set forth in the preceding paragraph shall be deemed as income for JNES if paid by a person intending to undergo an inspection or confirmation conducted by JNES, and as income for the national treasury for all other cases.
- (3) The provision of paragraph (1) (excluding matters pertaining to inspection or confirmation conducted by JNES) shall not apply to an incorporated administrative agency provided for in Article 2 (1) of the Act of General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) that is also specified by Cabinet Order by considering the contents of its activity and other circumstances into consideration.

(Application to the State)

Article 76 The provisions of this Act, excluding the provision of the preceding Article (excluding matters pertaining to inspections or confirmations conducted by JNES) and the provision of the following Chapter, shall apply to the State. In this case, the terms "designation" and "permission" shall be deemed to be replaced with "approval."

### **Chapter VIII Penal Provisions**

Article 77 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than three years, a fine of not more than three million yen, or both:

- (i) a person who has carried out the refining activity without obtaining the

- designation set forth in Article 3 (1),
- (ii) a person who has violated an order for suspension of activity pursuant to the provision of Article 10 (2), Article 20 (2), Article 43-16 (2), Article 46-7 (2) or Article 51-14 (2),
- (iii) a person who has carried out the fabricating or enrichment activity without obtaining the permission set forth in Article 13 (1),
- (iv) a person who has installed a reactor without obtaining the permission set forth in Article 23 (1),
- (iv)-2 a person who has maintained the matters listed in Article 23-2 (1) without obtaining the permission set forth in said paragraph,
- (v) a person who has violated an order for suspension of the operation of reactors pursuant to the provision of Article 33 (2),
- (vi) a person who has received reactors or entire facilities that include reactors (including nuclear vessels) without obtaining the permission set forth in Article 39 (1) or a person who has received a reactor vessel without obtaining the permission set forth in paragraph (2) of said Article,
- (vi)-2 a person who has carried out the spent fuel storage activity without obtaining the permission set forth in Article 43-4 (1),
- (vii) a person who has carried out the reprocessing activity without obtaining the designation set forth in Article 44 (1),
- (vii)-2 a person who has carried out the waste disposal or waste storage activity without obtaining the permission set forth in Article 51-2 (1),
- (vii)-3 a person who has received a waste disposal site or entire facilities that include a waste disposal site without obtaining the permission set forth in Article 51-19 (1),
- (viii) a person who has used nuclear fuel material without obtaining the permission set forth in Article 52 (1), or
- (ix) a person who has violated an order for suspension of the use of nuclear fuel material pursuant to the provision of Article 56.

Article 78 Any person who falls under any of the following items shall be 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 matter for which permission must be obtained pursuant to Article 6 (1), has, without obtaining the permission set forth in said paragraph, changed a matter provided for in item (ii) or (iii) of Article 3 (2),
- (i)-2 a person who has violated an order pursuant to the provision of Article 11-2 (2), Article 21-3 (2), Article 36 (2), Article 43-19 (2), Article 49 (2), Article 51-17 (2), Article 57 (3), Article 59 (4) (limited to the portion pertaining to measures necessary for the physical protection of specific nuclear fuel

- material) or Article 60 (3),
- (ii) a person who has violated the provision of Article 12 (1), Article 22 (1), Article 37 (1), Article 43-20 (1), Article 50 (1), Article 51-18 (1) or Article 56-3 (1),
  - (iii) a person who has violated an order pursuant to the provision of Article 12 (3), Article 22 (3), Article 37 (3), Article 43-20 (3), Article 50 (3), Article 51-18 (3) or Article 56-3 (3),
  - (iv) a person who has refused, obstructed or challenged an entrance, inspection or submission of samples pursuant to the provision of Article 12 (6) (including the cases where applied *mutatis mutandis* pursuant to Article 22 (6), Article 37 (6), Article 43-20 (6), Article 50 (6), Article 51-18 (6) or Article 56-3 (6)), or has not given a statement or has given a false statement in response to a question,
  - (iv)-2 a person who has violated the provision of Article 12-2 (1), Article 22-6 (1), Article 43-2 (1), Article 43-25 (1), Article 50-3 (1), Article 51-23 (1) or Article 57-2 (1),
  - (iv)-3 a person who has violated an order pursuant to the provision of Article 12-2 (3) (including the cases where applied *mutatis mutandis* pursuant to Article 22-6 (2), Article 43-2 (2), Article 43-25 (2), Article 50-3 (2), Article 51-23 (2) and Article 57-2 (2)),
  - (iv)-4 a person who has refused, obstructed or challenged an entrance, inspection or submission of samples pursuant to the provision of Article 12-2 (6) (including the cases where applied *mutatis mutandis* pursuant to Article 22-6 (2), Article 43-2 (2), Article 43-25 (2), Article 50-3 (2), Article 51-23 (2) and Article 57-2 (2)), or has not given a statement or has given a false statement in response to a question,
  - (v) a person who has violated the provision of Article 12-3 (1), Article 22-7 (1), Article 43-3 (1), Article 43-26 (1), Article 50-4 (1), Article 51-24 (1) or Article 57-3 (1),
  - (v)-2 a person who has abolished the refining activity in violation of the provision of Article 12-6 (1),
  - (v)-3 a person who has taken decommissioning in violation of the provision of Article 12-6 (2), Article 22-8 (2), Article 43-3-2 (2), Article 43-27 (2), Article 50-5 (2), Article 51-25 (2) or Article 57-6 (2),
  - (v)-4 a person who has violated an order pursuant to the provision of Article 12-6 (7) (including the cases where applied *mutatis mutandis* pursuant to Article 22-8 (3), Article 43-3-2 (3), Article 43-27 (3), Article 50-5 (3), Article 51-24-2 (3), Article 51-25 (3) and Article 57-6 (3)),
  - (v)-5 a person who has violated the provision of Article 12-7 (2), Article 22-9 (2), Article 43-3-3 (2), Article 43-28 (2), Article 51 (2), Article 51-26 (2) or Article 57-7 (2),

- (v)-6 a person who has violated the provision of Article 12-7 (3), Article 22-9 (3), Article 43-3-3 (3), Article 43-28 (3), Article 51 (3), Article 51-26 (3) or Article 57-7 (3),
- (v)-7 a person who has violated an order pursuant to the provision of Article 12-7 (8) (including the cases where applied mutatis mutandis pursuant to Article 22-9 (5), Article 43-3-3 (4), Article 43-28 (4), Article 51 (4), Article 51-26 (4) and Article 57-7 (4)),
- (vi) a person who, with regard to a matter for which permission must be obtained pursuant to Article 16 (1), has, without obtaining the permission set forth in the said paragraph, changed a matter provided for in item (ii) or (iii) of Article 13 (2),
- (vii) a person who has used fabricating facilities in violation of the provision of Article 16-3 (1) or Article 16-4 (1) or (4),
- (viii) a person who has refused, obstructed or challenged an inspection pursuant to the provision of Article 16-5 (1), Article 29 (1), Article 43-11 (1), Article 46-2-2 (1) or Article 51-10 (1),
- (viii)-2 a person who has violated an order pursuant to the provision of Article 21-3 (1), Article 36 (1), Article 43-19 (1), Article 49 (1), Article 51-17 (1), Article 58 (3) or Article 59 (4) (excluding the portion pertaining to measures necessary for the physical protection of specific nuclear fuel material),
- (ix) a person who has violated the provision of Article 22-2 (1),
- (ix)-2 a person who has abolished the fabricating or enrichment activity in violation of the provision of Article 22-8 (1),
- (x) a person who, with regard to a matter for which permission must be obtained pursuant to Article 26 (1), has, without obtaining the permission set forth in said paragraph, changed a matter provided for in item (ii) to (v) or (viii) of Article 23 (2),
- (xi) a person who has changed or maintained the matters listed in Article 26-2 (1) without obtaining the permission set forth in said paragraph,
- (xii) a person who has used reactor facilities in violation of the provision of Article 28 (1) or Article 28-2 (1) or (4),
- (xiii) a person who has violated the provision of Article 40 (1),
- (xiii)-2 a person who has abolished a reactor in violation of the provision of Article 43-3-2 (1),
- (xiv) a person who, with regard to a matter for which permission must be obtained pursuant to Article 43-7 (1), has, without obtaining the permission set forth in said paragraph, changed a matter provided for in item (ii) to (iv) or (vi) of Article 43-4 (2),
- (xv) a person who has spent fuel interim storage facilities in violation of the provision of Article 43-9 (1) or Article 43-10 (1) or (4),
- (xvi) a person who has violated the provision of Article 43-22 (1),

- (xvi)-2 a person who has abolished the spent fuel interim storage activity in violation of the provision of Article 43-27 (1),
- (xvii) a person who, with regard to a matter for which permission must be obtained pursuant to Article 44-4 (1), has, without obtaining the permission set forth in said paragraph, changed a matter provided for in item (ii) to (iv) or (vi) of Article 44 (2),
- (xviii) a person who has used reprocessing facilities in violation of the provision of Article 46 (1) or Article 46-2 (1) or (4),
- (xix) a person who has violated the provision of Article 50-2 (1),
- (xix)-2 a person who has abolished the reprocessing activity in violation of the provision of Article 50-5 (1),
- (xx) a person who, with regard to a matter for which permission must be obtained pursuant to Article 51-5 (1), has, without obtaining the permission set forth in said paragraph, changed a matter provided for in item (ii) to (v) of Article 51-2 (2),
- (xxi) a person who has used specified waste disposal facilities or specified waste storage facilities in violation of the provision of Article 51-8 (1) or Article 51-9 (1),
- (xxii) a person who has violated the provision of Article 51-20 (1),
- (xxii)-2 a person who has taken closing measures in violation of the provision of Article 51-24-2 (1),
- (xxii)-3 a person who has abolished the waste disposal activity in violation of the provision of Article 51-25 (1),
- (xxiii) a person who has changed a matter listed in item (ii) to (iv) or (vi) to (ix) of Article 52 (2) without obtaining the permission set forth in Article 55 (1),
- (xxiv) a person who has used usage facilities, etc. in violation of the provision of Article 55-2 (1) or Article 55-3 (1),
- (xxiv)-2 a person who has abolished all use of nuclear fuel material in violation of the provision of Article 57-6 (1),
- (xxv) a person who has violated the provision of Article 61,
- (xxvi) a person who has violated the provision of Article 62 (1) (excluding persons provided in Article 78-4),
- (xxvi)-2 a person who has not made the report set forth in Article 62-3 (excluding the portion pertaining to nuclear source material users) or has made a false report,
- (xxvii) a person who has violated the provision of Article 64 (1) or an order pursuant to the provision of paragraph (3) of said Article,
- (xxviii) a person who has violated the provision of Article 66-2 (2),
- (xxix) a person who has not submitted the report set forth in Article 67 (1) (excluding the portion pertaining to nuclear source material users, persons using international controlled material and international specified activities

- implementers) or has submitted a false report,
- (xxx) a person who has refused, obstructed or challenged an entrance, inspection or submission of samples pursuant to the provision of Article 68 (1) (excluding the portion pertaining to nuclear source material users, international controlled material users, persons who fall under any of the items under Article 61-3 (1) in the case that said items apply, persons provided in paragraphs (5), (6), (8) and (9) of said Article and international specified activities implementers), or has not given a statement or has given a false statement in response to a question,
- (xxxii) a person who has violated the provision of Article 68-3, or
- (xxxiii) a person who has refused, obstructed or challenged an entrance or inspection pursuant to the provision of Article 72 (3), or has not given a statement or has given a false statement in response to a question.

Article 78-2 Any person who has violated the provision of Article 61-18 (including the cases where applied mutatis mutandis pursuant to Article 61-23-20) shall be 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 provision of Article 61-21 or work implemented for safeguards inspections, etc. pursuant to the provision of Article 61-23-16 has been violated, the officers or personnel of the designated information processing organization or designated organization implementing safeguards inspections, etc. that has committed the violation shall be punished by imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

Article 78-4 Any person who has violated the provision of Article 62 (1) on a foreign vessel (any vessel other than Japanese vessels as provided in Article 1 of the Ship Act; the same shall apply hereinafter) situated in waters outside of Japanese territorial waters shall be punished by a fine of not more than ten million yen.

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

- (i) a person who has not recorded matters or has made false records, or has not kept records, in violation of the provision of Article 11, Article 21, Article 34, 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 provision of Article 36-2 (1) or (2), or has

- violated an order pursuant to the provision of paragraph (4) of said Article,
- (iii) a person who has carried out waste burial without obtaining confirmation pursuant to the provision of Article 51-6,
- (iii)-2 a person who has taken closure measures without obtaining confirmation pursuant to the provision of Article 51-24-2 (2),
- (iv) a person who has violated the provision of Article 57 (1), Article 57-4, Article 57-5 or Article 60 (1),
- (v) a person who has used nuclear source material without making a notification pursuant to the provision of Article 57-8 (1), or who has violated an order pursuant to the provision of paragraph (5) of said Article,
- (vi) a person who has disposed of nuclear fuel material or material contaminated by nuclear fuel material without obtaining confirmation pursuant to the provision of Article 58 (2),
- (vii) a person who has shipped nuclear fuel material or material contaminated by nuclear fuel material without obtaining confirmation pursuant to the provision of Article 59 (2), without making a notification pursuant to the provision of paragraph (5) of said Article or by making a false notification,
- (viii) a person who has violated the provision of Article 59 (8),
- (ix) a person who has used international controlled material without obtaining the permission set forth in Article 61-3 (1),
- (x) a person who has violated an order for the suspension of use of international controlled material pursuant to the provision of Article 61-6,
- (xi) a person who has violated the provision of Article 61-8 (1) or an order pursuant to the provision of paragraph (3) of said Article,
- (xii) a person who has violated an order pursuant to the provision of Article 61-9,
- (xiii) a person who has violated the provision of Article 61-9-3 (1), or
- (xiv) a person who has violated the conditions of Article 62-2 (1) or (2).

Article 80 Any person who falls under any of the following items shall be punished by a fine of not more than one million yen:

- (i) a person who has not made a notification concerning a change in any matter listed in item (ii) to (iv) or (vi) of Article 57-8 (2) pursuant to the provision of paragraph (3) of said Article, or has made a false notification,
- (ii) a person who has not made a notification pursuant to the provision of Article 57-8 (7) or (8), Article 61-9-2 (1) or (3), Article 61-9-4 (1), (3), (4) or (5) or Article 63, or has made a false notification,
- (iii) a person who has not complied with an order to stop by a police official pursuant to the provision of Article 59 (11), and who has refused a request to present documents, refused or obstructed an inspection, or who has not complied with an order pursuant to the provision of said paragraph,



- (iv) a person who has used international controlled material without making a notification pursuant to the provision of Article 61-3 (4) or (7), who has stored international controlled material without making a notification pursuant to the provision of paragraph (5) or (8) of said Article, or who has disposed of international controlled material without making a notification pursuant to the provision of paragraph (6) or (9) of said Article,
- (v) a person who has changed a matter listed in item (ii) to (iv) of Article 61-3 (2) without making a notification pursuant to the provision of Article 61-5 (1),
- (vi) a person who has not recorded matters or made false records, or has not kept records, in violation of the provision of Article 61-7,
- (vii) a person who has refused, obstructed or challenged an entrance, inspection or submission of samples pursuant to the provision of Article 61-8-2 (2),
- (viii) a person who has violated the provision of Article 61-8-2 (5) or Article 68 (19),
- (ix) a person who has not made the report set forth in Article 62-3 (limited to the portion pertaining to nuclear source material users), or has made a false report,
- (x) a person who has not submitted the report set forth in Article 67 (1) (limited to the portion pertaining to nuclear source material users, persons using international controlled material and international specified activities implementers), (2), (4) or (5), or has submitted a false report,
- (xi) a person who has refused, obstructed or challenged an entrance, inspection or submission of samples pursuant to the provision of Article 68 (1) (limited to the portion pertaining to nuclear source material users, international controlled material users, persons provided in each of the items under Article 61-3 (1) in the case that said items apply, persons provided in paragraphs (5), (6), (8) and (9) of said Article and international specified activities implementers), (2), (3) or (4), 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 challenged an entrance, inspection or submission of samples pursuant to the provision of Article 68 (13).

Article 80-2 When a violation listed in any of the following items has been committed, the officers or personnel of the designated information processing organization that has committed the violation shall be punished by a fine of not more than five hundred thousand yen:

- (i) when all of the information processing work has been abolished without obtaining the permission set forth in Article 61-20,
- (ii) when the report set forth in Article 61-23 (1) has not been made, or a false

- report has been made, or
- (iii) when an entry or inspection pursuant to the provision of Article 61-23 (1) has been refused, obstructed or challenged, 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, the officers or personnel of the designated organization implementing safeguards inspections, etc. that has committed the violation shall be 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 abolished 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 violation of the provision of Article 61-23-17 (1),
- (iii) when books have not been stored in violation of the provision of Article 61-23-17 (2),
- (iv) when the report set forth in Article 61-23 (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 an entry or inspection pursuant to the provision of Article 61-23 (1) as applied mutatis mutandis pursuant to Article 61-23-20 has been refused, obstructed or challenged, or when a statement has not been made or a false statement has been made in response to a question.

Article 80-4 When a violation listed in any of the following items has been committed, the officer or personnel of JNES who has committed the violation, shall be punished by a fine of not more than five hundred thousand yen:

- (i) when a report pursuant to the provision of Article 67 (3) has not been made, or a false report has been made, or
- (ii) when an entry or inspection pursuant to the provision of Article 68 (5) has been refused, obstructed or challenged, or when a statement has not been made or a false statement has been made in response to a question.

Article 80-5 The provision of item (xxxi) of Article 78 shall apply to any person who has committed the crime set forth in the same item outside of Japan.

Article 81 When a representative of a juridical person, or an agent or other employee of a juridical person or individual has violated the provisions listed in the following items relating to the act of said juridical person or individual, not only the offender shall be punished but also said juridical person shall be punished by the fine prescribed in the respective items, and said individual

shall be punished by the fine prescribed in the respective Articles.

- (i) Items (i) to (iii), item (iv) (excluding the portion pertaining to persons who have installed a reactor listed in item (iii) or (v) of Article 23 (1) (hereinafter referred to as "research and test reactor, etc. establishments")), item (iv)-2, item (v) (excluding the portion relating to research and test reactor, etc. establishments), or items (vi) to (vii)-3 of Article 77: Fine of not more than three hundred million yen
- (ii) Items (i), (ii) (excluding the portion pertaining to research and test reactor, etc. establishments and users), item (iii) (excluding the portion pertaining to research and test reactor, etc. establishments and users), item (iv) (excluding the portion pertaining to research and test reactor, etc. establishments and users), item (vi), (vii), (viii) (excluding the portion pertaining to research and test reactor, etc. establishments), item (viii)-2 (excluding the portion pertaining to research and test reactor, etc. establishments and users), item (x) (excluding the portion pertaining to research and test reactor, etc. establishments), item (xi), (xii) (excluding the portion pertaining to research and test reactor, etc. establishments), item (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxvi)-2 (excluding the portion pertaining to test and research reactor, etc. establishments and users), item (xxviii) (excluding the portion pertaining to research and test reactor, etc. establishments and users), item (xxix) (excluding the portion pertaining to research and test reactor, etc. establishments and users) or item (xxx) (excluding the portion pertaining to research and test reactor, etc. establishments and users) of Article 78: Fine of not more than one hundred million yen
- (iii) Article 77 (excluding the portion pertaining to the provision listed in item (i)), Article 78 (excluding the portion pertaining to the provision listed in the preceding item), Article 79 or Article 80: Fine prescribed in the respective Articles

Article 81-2 When a violation listed in any of the following items has been committed, the officers of JNES who has committed the violation, shall be punished by a non-penal fine of not more than two hundred thousand yen:

- (i) When notification pursuant to the provision of Article 65 (1) has not been made, or false notification has been made, or
- (ii) when an order pursuant to the provision of Article 65 (2) or Article 68-2 has been violated.

Article 82 Any person who falls under any of the following items shall be punished by a non-penal fine of not more than one hundred thousand yen:

- (i) a person who has not made a notification pursuant to the provision 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 provision of Article 12-3 (2) (including the cases where applied mutatis mutandis pursuant to Article 22-7 (2), Article 43-3 (2), Article 43-26 (2), Article 50-4 (2), Article 51-24 (2) and Article 57-3 (2)),
- (iii) a person who has neglected to make a notification pursuant to the provision of Article 22-2 (2) (including the cases where applied mutatis mutandis pursuant to Article 50-2 (2)),
- (iv) a person who has failed to return, without justifiable grounds, his/her license for chief technician of nuclear fuel in violation of an order pursuant to the provision of Article 22-3 (3),
- (v) a person who has not made a notification pursuant to the provision of Article 30, 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 provision of Article 40 (2),
- (vii) a person who has failed to return, without justifiable grounds, his/her license for chief technician of reactors in violation of an order pursuant to the provision of Article 41 (3),
- (vii)-2 a person who has neglected to make a notification pursuant to the provision of Article 43-22 (2),
- (viii) a person who has neglected to make a notification pursuant to the provision of Article 51-20 (2),
- (ix) a person who has violated the provision of Article 59-2 (2), or
- (x) a person who has not made the report specified in Article 61-9-3 (2), or has made a false report.

Article 83 Any person who has neglected to make a notification pursuant to the provision of Article 6 (2), Article 9 (2), Article 16 (2), Article 19 (2), Article 26 (2) or (3), Article 26-2 (2), Article 32 (2), Article 43-7 (2), Article 43-15 (2), Article 44-4 (2), Article 46-6 (2), Article 51-5 (2), Article 51-13 (2), Article 55 (2), Article 57-8 (3) (limited to the portion pertaining to changes in any matter listed in item (i) or (v) of paragraph (2) of said Article) or Article 61-5 (2) shall be punished by a non-penal fine of not more than fifty thousand yen.

(Special Cases for Jurisdiction of the First Instance)

Article 84 A jurisdiction of the first instance of a suit pertaining to the crime set forth in Article 78-4 shall also rest with a district court.

### **Chapter IX Release, etc. of Foreign Vessels Subject to Security Money, etc.**

(Release, etc. of Foreign Vessels Subject to Security Money, etc.)

Article 85 (1) A person prescribed in the Cabinet Order who is a judicial police officer (hereinafter referred to as "regulating officer") shall, in any of the following cases, announce the matters listed in the following paragraph without delay to the captain of the relevant vessel (including any person who carries out duties in lieu of the captain) and the offender (limited to the crew of the relevant vessel; the same shall apply hereinafter):

- (i) when the captain of a vessel and/or any other crew members have been arrested in an incident involving a foreign vessel (hereinafter referred to as "incident") on account of any crime set forth in Article 78 (limited to the portion pertaining to Article 62 (1)), Article 78-4, Article 80 (limited to the portion pertaining to Article 67 (1) and (4) and Article 68 (1) and (3)) or Article 81 (limited to the portion pertaining to Article 62 (1), Article 67 (1) and (4) and Article 68 (1) and (3)), or
  - (ii) when, in addition to the case listed in the preceding item, a vessel, any document verifying the nationality of a vessel, or any other document necessary for navigation of a vessel (hereinafter referred to as "certificate of nationality of vessel, etc.") has been seized in connection with an incident, and it is deemed that there is a reasonable ground to believe that the captain of the vessel and/or any other crew members have committed any such crime as provided for in said item.
- (2) The matters that shall be announced pursuant to the preceding paragraph shall include the following:
- (i) that, upon providing security money or a document certifying the payment thereof to the competent minister pursuant to the provision of the Cabinet Order set forth in paragraph (1) of the following Article, the offender shall be released, and the vessel, certificate of nationality of vessel, etc. and any other seized article (hereinafter referred to as "seized articles") shall be returned without delay; and
  - (ii) the amount of security money that should be provided.
- (3) The amount of security money set forth in item (ii) of the preceding paragraph shall be determined by the regulating officer, in accordance with the classification, manner and other conditions of the incident and in compliance with the standards specified by the competent minister, pursuant to the provision of the Cabinet Order.

Article 86 (1) When the security money of the amount announced pursuant to the provision of paragraph (1) of the preceding Article or a document certifying the payment thereof has been provided to the competent minister pursuant to the provision of the Cabinet Order, the competent minister shall notify the regulating officer or public prosecutor without delay.

(2) When the regulating officer has received notice pursuant to the provision set

forth in the preceding paragraph, he/she shall, without delay, release the offender and return the seized articles.

- (3) When the public prosecutor has received notice pursuant to the provision of paragraph (1), he/she shall, without delay, take necessary measures related to the release of the offender and the return of seized articles.

Article 87 (1) The security money shall be retained by the competent minister.

- (2) If, in any proceedings connected to an incident, any offender fails to appear at the specified location on the specified date, or if any seized article that was returned and that was requested to be resubmitted is not submitted at the specified location on the specified date, the security money shall 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 shall not apply to cases where an offer was made before the day on which one month has elapsed from the day following the specified date, for the appearance of the offender or the submission of said seized articles on a given day within three months from the day following the specified date.

- (3) If, in the case of the proviso of the preceding paragraph, the offender fails to appear or said seized articles are not submitted on the specified date pertaining to said offer, the security money shall belong to the national treasury on the day following the specified date.

- (4) The security money shall be returned upon the conclusion of the proceedings connected to the incident, or when any other event that makes its retention unnecessary arises.

(Delegation to the Ordinance of the Competent Ministry)

Article 88 The proceedings and any other matters necessary for implementing the provisions of the three preceding Articles shall be specified in the Ordinance of the competent ministry.

(Competent Minister, etc.)

Article 89 The competent minister in Articles 85 to 87 and the Ordinance of the competent ministry in the preceding Article shall be specified by Cabinet Order.