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Provisional Translation

Act for Establishment of the Nuclear Regulation Authority

Act No. 47 of June 27, 2012

(Purpose)

Article 1 For the purpose of eliminating harmful effects of the vertically-divided administration on policies relating to the research, development and use of nuclear energy (hereinafter referred to as the "use of nuclear energy"), which were revealed due to the accident at the nuclear power plants, following the earthquake that occurred off the Pacific coast of the Tohoku region on March 11, 2011, and resolving problems that may arise under a situation where a single government organization acts both as an authority to promote the use of nuclear energy and as a regulatory authority, and under the recognition that the possibility of accidents in the use of nuclear energy should be always kept in mind and that the best and utmost efforts need to be made for the prevention of accidents, this Act aims to establish the Nuclear Regulation Authority, which will integrally govern affairs for developing and implementing measures necessary for ensuring safety in the use of nuclear energy based on established international criteria (such affairs shall include those concerning refining activities, fabricating and enrichment activities, interim storage activities, reprocessing activities and waste disposal activities concerning nuclear energy, as well as regulations on reactors, and those concerning regulations for implementing safeguards based on international commitments, and other regulations for ensuring the peaceful use of nuclear energy) and in which the Chairman and the Commissioners will exercise their authority independently, based on their own expertise, from a neutral and fair standpoint, thereby contributing to the protection of the lives, health, and property of the citizens, preservation of the environment, and national security of Japan.

(Establishment)

Article 2 Based on the provisions of Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948), the Nuclear Regulation Authority shall be established under the Ministry of the Environment as its external organ.

(Mission)

Article 3 The mission of the Nuclear Regulation Authority shall be to ensure safety in the

use of nuclear energy (the mission shall include affairs concerning refining activities, fabricating and enrichment activities, interim storage activities, reprocessing activities and waste disposal activities concerning nuclear energy, as well as regulations on reactors, and affairs concerning regulations for implementing safeguards based on international commitments, and other regulations for ensuring the peaceful use of nuclear energy) for the purpose of contributing to the protection of the life, health, and property of the citizens, preservation of the environment, and national security of Japan.

(Affairs under the Jurisdiction)

Article 4 (1) For the purpose of achieving the mission set forth in the preceding Article, the Nuclear Regulation Authority shall take charge of the following affairs:

- (i) Affairs for ensuring safety in the use of nuclear energy;
- (ii) Affairs concerning refining activities, fabricating and enrichment activities, interim storage activities, reprocessing activities and waste disposal activities concerning nuclear energy, as well as regulations on reactors, and for otherwise ensuring safety in relation to these;
- (iii) Affairs concerning the regulations on the use of nuclear source material and nuclear fuel material, and for otherwise ensuring safety in relation to these;
- (iv) Affairs concerning regulations for implementing safeguards based on international commitments, and other regulations for ensuring the peaceful use of nuclear energy;
- (v) Affairs concerning the prevention of radiation hazards;
- (vi) Affairs concerning the development and promotion of basic policies on the monitoring and measurement of radioactive material or radiation levels, and plans for allocating expenses among the relevant administrative organs;
- (vii) Affairs concerning the monitoring and measurement for ascertaining radiation levels;
- (viii) Affairs concerning the cultivation and training (excluding what pertains to education and research at universities) of researchers and engineers for ensuring safety in the use of nuclear energy;
- (ix) Affairs concerning the adjustments of affairs of the relevant administrative organs regarding the physical protection of nuclear fuel material and other radioactive material;
- (x) Affairs concerning investigations of causes of accidents that have resulted from the operation, etc. of reactors (meaning the operation, etc. of reactors prescribed in Article 2, paragraph (1) of the Act on Compensation for Nuclear Damage (Act No. 147 of 1961)) (hereinafter such accidents shall be referred to as "nuclear accidents") and causes of damage that has arisen from nuclear accidents;
- (xi) Affairs concerning international cooperation in relation to the affairs under the jurisdiction;
- (xii) Surveys and studies necessary for conducting the affairs set forth in the preceding

items;

(xiii) In addition to what are set forth in the preceding items, affairs that are assigned to the Nuclear Regulation Authority based on Acts (including orders based on Acts).

(2) When the Nuclear Regulation Authority finds it necessary for conducting the affairs under its jurisdiction, it may provide the head(s) of the relevant administrative organ(s) with recommendations on matters for ensuring safety in the use of nuclear energy and request them to make a report concerning the measures that they have taken based on said recommendations.

(Exercise of Authority)

Article 5 The Chairman and the Commissioners of the Nuclear Regulation Authority shall exercise their authority independently.

(Organization)

Article 6 (1) The Nuclear Regulation Authority shall be composed of the Chairman and four Commissioners.

(2) The Chairman shall preside over the affairs of the Nuclear Regulation Authority and represent it.

(3) In the event that the Chairman has an accident or there is a vacancy in the office of Chairman, a previously designated Commissioner shall substitute for the Chairman.

(Appointment of the Chairman and the Commissioners of the Nuclear Regulation Authority)

Article 7 (1) The Chairman and the Commissioners shall be appointed by the Prime Minister upon obtaining the consent of both Houses of the Diet, from among persons who are of noble character and have excellent knowledge and experience concerning the ensuring of safety in the use of nuclear energy.

(2) The appointment or dismissal of the Chairman shall be certified by the Emperor.

(3) In the case where a declaration of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 156 of 1999) or there are other circumstances requiring urgency in particular, during a Diet session, and where the offices of Chairman and the Commissioner who is to substitute the Chairman under paragraph (3) of the preceding Article are both vacant (hereinafter referred to as a "case requiring an emergency appointment" in this paragraph), and when both Houses or either House of the Diet failed to make any resolution on their consent regarding the Chairman within ten days, excluding the period of adjournment of the Diet or the Houses, from the day on which their consent was sought pursuant to the provisions of paragraph (1) by attaching a document stating that it is a case requiring an emergency appointment (or when their consent regarding the Chairman had been sought pursuant to the provisions of said paragraph and the situation later came to fall under a case requiring an emergency

appointment, from the day on which they received a notice to that effect) (excluding the case where either House of the Diet has made a resolution that it would not give said consent), the Prime Minister may appoint the Chairman from among those who are qualified as prescribed in said paragraph, notwithstanding the provisions of said paragraph.

(4) In the case referred to in the preceding paragraph, when a declaration of the cancellation of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (4) of the Act on Special Measures Concerning Nuclear Emergency Preparedness or other circumstances requiring urgency in particular have disappeared, the ex post facto consent of both Houses of the Diet shall be obtained promptly. In this case, if the ex post facto consent of both Houses of the Diet cannot be obtained during the Diet session in which such consent is sought, the Prime Minister shall dismiss the Chairman immediately.

(5) In the case where the term of office of the Chairman or a Commissioner expires or a position becomes vacant, and when the consent of both Houses of the Diet cannot be obtained due to the closing of the Diet or the dissolution of the House of Representatives, the Prime Minister may appoint the Chairman or a Commissioner from among those who are qualified as prescribed in paragraph (1), notwithstanding the provisions of said paragraph.

(6) The provisions of paragraph (4) shall apply mutatis mutandis in the case referred to in the preceding paragraph. In this case, in paragraph (4), the phrase "the preceding paragraph" shall be deemed to be replaced with "the following paragraph"; the part "when a declaration of the cancellation of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (4) of the Act on Special Measures Concerning Nuclear Emergency Preparedness or other circumstances requiring urgency in particular have disappeared, the ex post facto consent of both Houses of the Diet shall be obtained promptly" shall be deemed to be replaced with "the ex post facto consent of both Houses of the Diet shall be obtained in the first session of the Diet after the appointment (or with regard to the ex post facto consent concerning the Chairman in the case where a declaration of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness or there are other circumstances requiring urgency in particular and when a notice to that effect has been made to both Houses of the Diet, promptly after said circumstances requiring urgency in particular have disappeared)"; and the term "the Chairman" shall be deemed to be replaced with "the Chairman or the Commissioner."

(7) A person who falls under any of the following items may not be the Chairman or a Commissioner:

- (i) A person who has not had his/her rights restored after receiving an order for commencement of bankruptcy;
- (ii) A person sentenced to imprisonment without work or a heavier punishment;

(iii) A person engaging in refining activities, fabricating and enrichment activities, interim storage activities, reprocessing activities or waste disposal activities concerning nuclear energy, a licensee of reactor operation, a person who places a foreign nuclear vessel in the water areas of Japan, or a person who uses nuclear source material or nuclear fuel material, or when these persons are juridical persons, an officer thereof (including any person whose actual scope of authority or control is equivalent to or greater than that of an officer regardless of title), or an employee or other person in the service thereof;

(iv) An officer of an organization of any person set forth in the preceding item (including any person whose actual scope of authority or control is equivalent to or greater than that of an officer regardless of title), or an employee or other person in the service thereof.

(Term of Office)

Article 8 (1) The terms of office of the Chairman and the Commissioners shall be five years; provided, however, that the term of office of the Chairman or a Commissioner who fills a vacancy shall be the remaining term of his/her predecessor.

(2) The Chairman and the Commissioners may be reappointed.

(3) When the terms of office of the Chairman and the Commissioners expire, they shall continuously execute their duties until their successors are appointed.

(Dismissal)

Article 9 (1) The Prime Minister shall dismiss the Chairman or a Commissioner if the Chairman or the Commissioner falls under any of the items of Article 7, paragraph (7).

(2) The Prime Minister, after hearing the opinions of the Nuclear Regulation Authority and obtaining the consent of both Houses of the Diet, may dismiss the Chairman or a Commissioner, when the minister finds that the Chairman or the Commissioner is incapable of executing his/her duties due to a mental or physical disorder or has committed a violation of his/her obligations in the course of his/her duties or an act unbecoming of the Chairman or a Commissioner of the Nuclear Regulation Authority.

(Commission Meetings)

Article 10 (1) Commission meetings of the Nuclear Regulation Authority shall be convened by the Chairman.

(2) The Nuclear Regulation Authority may neither hold a Commission meeting nor make a resolution unless the Chairman and two or more Commissioners attend the Commission meeting.

(3) A resolution of the Nuclear Regulation Authority shall be made by a majority of the attendants, and in the case of a tie, the Chairman shall make a decision.

(4) Notwithstanding the provisions of the preceding two paragraphs, in any of the cases set forth in the following items, when the Chairman finds that there is no time to convene a Commission meeting due to urgent need in particular or when the quorum for

holding a Commission meeting or for making a resolution is not met, the Chairman may provisionally represent the Nuclear Regulation Authority with regard to the matters set forth respectively therein:

(i) The case falling under the items of Article 15, paragraph (1) of the Act on Special Measures Concerning Nuclear Emergency Preparedness: Approval of the occurrence of a nuclear emergency situation and report to the Prime Minister under said paragraph, public notice under paragraph (2) of said Article, and submission of a draft of instructions under paragraph (3) of said Article;

(ii) During the period from the time when a declaration of a nuclear emergency situation is issued under Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness up to the time when a declaration of the cancellation of a nuclear emergency situation is issued under paragraph (4) of said Article: Matters concerning emergency response measures prescribed in Article 2, item (v) of the same Act;

(iii) The case where a notification has been made under the first sentence of Article 105, paragraph (1) of the Act Concerning Measures to Protect Japanese Citizens During Armed Attacks and Others (Act No. 112 of 2004; hereinafter referred to as the "Civil Protection Act" in this paragraph): Report to the director-general of the headquarters (meaning the director-general of the headquarters prescribed in Article 11, paragraph (1) of the Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc. (Act No. 79 of 2003; hereinafter referred to as the "Act on Response to Armed Attack Situations, etc." in this paragraph); the same shall apply in item (v)) and notification to the relevant designated public institutions under paragraph (2) of said Article;

(iv) The case where the fact prescribed in Article 105, paragraph (1) of the Civil Protection Act exists: Approval of the occurrence of said fact under paragraph (4) of said Article;

(v) The case where a notification has been made under Article 105, paragraph (3) of the Civil Protection Act: Report to the director-general of the headquarters and notification to the relevant designated public institutions under paragraph (2) of said Article applied *mutatis mutandis* pursuant to paragraph (4) of said Article, and notification to the competent prefectural governor, competent mayor of a municipality, relevant governors of neighboring prefectures, and nuclear operators (meaning the nuclear operators set forth in Article 2, item (iii) of the Act on Special Measures Concerning Nuclear Emergency Preparedness; the same shall apply hereinafter) under the second sentence of Article 105, paragraph (4) of the Civil Protection Act;

(vi) The case where armed attack situations, etc. (meaning the armed attack situations, etc. prescribed in Article 1 of the Act on Response to Armed Attack Situations, etc.) have emerged: Issuance of an order to take necessary measures under Article 106 of the Civil Protection Act.

(5) When the Chairman has provisionally represented the Nuclear Regulation Authority

pursuant to the provisions of the preceding paragraph, he/she shall make a report to that effect and concerning the matters for which he/she has represented the Nuclear Regulation Authority at its next Commission meeting, as specified by the Ordinance of the Nuclear Regulation Authority (hereinafter referred to as the "Ordinance of the NRA").

(6) With regard to the application of the provisions of paragraphs (2) and (4), and the preceding paragraph in the event that the Chairman has an accident or there is a vacancy in the office of the Chairman, the Commissioner who substitutes for the Chairman under Article 6, paragraph (3) shall be deemed to be the Chairman.

(Service Discipline, etc.)

Article 11 (1) The Chairman and the Commissioners shall not divulge any secret which may have come to their knowledge in the course of their duties. This shall also be applied after they have left their position.

(2) The Chairman and the Commissioners shall neither be an officer of any political party or other political organization nor positively conduct any political activities while they are in office.

(3) The Chairman and the Commissioners, while they are in office, shall not be engaged in a business by receiving reward, operate any profit-making business, or conduct any activities for the purpose of profit, except when they are permitted by the Prime Minister.

(4) In order to prevent any act of the Chairman and the Commissioners that may bring about suspicion or distrust from the citizens with regard to the neutrality and fairness of their duties, the Nuclear Regulation Authority shall establish internal norms that the Chairman and the Commissioners are to observe, concerning such matters as the disclosure of information on donations from nuclear operators, etc. for research of the Chairman or the Commissioners, and restrictions on receiving donations from nuclear operators, etc. while being in the office of the Chairman or the Commissioners, and shall make them public. The same shall apply when the Nuclear Regulation Authority has made changes to such internal norms.

(5) In order to ensure that prompt and appropriate measures can be taken in the event of a nuclear accident, the Nuclear Regulation Authority shall simulate various circumstances that may occur and establish internal norms consisting of the code of conduct that the Chairman and the Commissioners are to observe, including the means to hold a Commission meeting and make a resolution, and shall properly implement them.

(Remuneration)

Article 12 The remuneration of the Chairman and the Commissioners shall be prescribed separately by Acts.

(Councils, etc.)

Article 13 (1) The following committees shall be established under the Nuclear Regulation Authority:

Reactor Safety Examination Committee;

Nuclear Fuel Safety Examination Committee.

(2) In addition to what are prescribed in the preceding paragraph, the Radiation Council shall be established under the Nuclear Authority as separately specified by Acts

(Reactor Safety Examination Committee)

Article 14 The Reactor Safety Examination Committee shall examine and discuss matters concerning the safety of reactors, when instructed by the Nuclear Regulation Authority.

Article 15 (1) The Reactor Safety Examination Committee shall be composed of examiners, not exceeding the number specified by Cabinet Order.

(2) The examiners shall be appointed by the Nuclear Regulation Authority from among persons who have relevant knowledge and experience.

(3) The examiners shall be part-time.

(4) The term of office of the examiners shall be two years.

(5) The examiners may be reappointed.

Article 16 (1) The Reactor Safety Examination Committee shall have a committee chair, who shall be elected by the examiners from among themselves.

(2) The committee chair shall preside over the affairs of the committee.

(3) In the event that the committee chair has an accident, a previously designated examiner shall substitute for the committee chair.

Article 17 In addition to what is provided for in the preceding three Articles, other necessary matters concerning the Reactor Safety Examination Committee shall be specified by Cabinet Order.

(Nuclear Fuel Safety Examination Committee)

Article 18 The Nuclear Fuel Safety Examination Committee shall examine and discuss matters concerning the safety of nuclear fuel material, when instructed by the Nuclear Regulation Authority.

Article 19 (1) The Nuclear Fuel Safety Examination Committee shall be composed of examiners, not exceeding the number specified by Cabinet Order.

(2) The provisions of Article 15, paragraphs (2) to (5), and the provisions of Articles 16 and 17 shall apply mutatis mutandis to the Nuclear Fuel Safety Examination Committee.

(Radiation Council)

Article 20 Regarding the Radiation Council, the provisions of the Act on Technical

Standards for Prevention of Radiation Hazard (Act No. 162 of 1958; including orders based thereon) shall apply.

(Emergency Response Measures Committee Members)

Article 22 (1) When instructed by the Nuclear Regulation Authority, members of the Emergency Response Measures Committee (hereinafter referred to as the "emergency response members") shall be placed, not exceeding the number specified by Cabinet Order, under the Nuclear Regulation Authority in order to have them examine and discuss matters concerning response measures in the event of a nuclear emergency situation prescribed in Article 2, item (ii) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(2) The emergency response members shall be appointed by the Nuclear Regulation Authority from among persons who have relevant knowledge and experience.

(3) The emergency response members shall be part-time and their term of office shall be two years.

(4) The emergency response members may be reappointed.

(Investigations of Nuclear Accidents)

Article 23 (1) When the Nuclear Regulation Authority finds it necessary for performing the affairs set forth in Article 4, paragraph (1), item (x), it may make the following dispositions:

(i) To collect reports from the relevant nuclear operators, persons who have taken measures to prevent the expansion of damage that has arisen from the nuclear accident, and other related persons involved in the nuclear accident (hereinafter simply referred to as the "persons concerned");

(ii) To enter the relevant nuclear sites and other sites of the nuclear accident, the offices of the relevant nuclear operators, and other places deemed necessary, inspect books, documents and any other necessary articles relating to the nuclear accident (hereinafter referred to as the "articles concerned"), question the persons 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;

(iii) To ask the persons concerned to appear, and to question them;

(iv) To ask the owner, possessor, or custodian of the articles concerned to submit said articles or to impound articles submitted;

(v) To order the owner, possessor, or custodian of the articles concerned to preserve said articles, or to prohibit them from relocating said articles;

(vi) To prohibit persons from entering the relevant nuclear sites and other sites of the nuclear accident, except for those on public duty or those recognized by the Nuclear Regulation Authority as being unlikely to cause any problems.

(2) When the Nuclear Regulation Authority finds it necessary, it may have the Chairman, the Commissioners, or the officials of its Secretariat make any of the dispositions set

forth in the items of the preceding paragraph.

(3) A person who makes the disposition set forth in paragraph (1), item (ii) pursuant to the provisions of the preceding paragraph shall carry an identification card certifying his/her status and produce it upon request by any person concerned.

(4) The authority to make dispositions pursuant to the provisions of paragraph (1) or (2) shall not be construed as being permitted for criminal investigation.

(Reporting to the Diet)

Article 24 The Nuclear Regulation Authority shall report annually to the Diet, through the Prime Minister, on the handling of the affairs under its jurisdiction and make public a summary thereof.

(Information Disclosure)

Article 25 The Nuclear Regulation Authority shall secure the transparency in its operation through a thorough disclosure of the information that it holds with the aim of guaranteeing the public's right to know.

(Establishment of the Ordinance)

Article 26 In order to enforce Acts or Cabinet Orders, or as delegated by Acts or Cabinet Orders, the Nuclear Regulation Authority may establish the Ordinance of the NRA regarding the affairs under its jurisdiction.

(Secretariat of the Nuclear Regulation Authority)

Article 27 (1) A secretariat shall be placed under the Nuclear Regulation Authority in order to have them handle affairs of the Nuclear Regulation Authority.

(2) The secretariat set forth in the preceding paragraph shall be called the "Secretariat of the NRA."

(3) The Secretariat of the NRA shall have a secretary-general and other officials.

(4) The secretary-general set forth in the preceding paragraph shall be called the "Secretary-General of the Secretariat of the NRA."

(5) The Secretary-General of the Secretariat of the NRA shall take control of the affairs of the Secretariat in accordance with the orders of the Chairman.

(6) The provisions of Article 7, paragraphs (3), (4), and (6), and Article 21, paragraphs (1) and (5) of the National Government Organization Act shall apply mutatis mutandis to the internal organization of the Secretariat of the NRA, notwithstanding the provisions of Article 7, paragraph (7) of the same Act. In this case, the term "Ministerial Ordinance" in Article 7, paragraph (6) and Article 21, paragraph (5) of the same Act shall be deemed to be replaced with "Ordinance of the NRA."

(Operation of the Nuclear Regulation Authority)

Article 28 In addition to what is provided for in this Act, other necessary matters

concerning the operation of the Nuclear Regulation Authority shall be decided by the Nuclear Regulation Authority.

(Penal Provisions)

Article 29 A person who has violated the provisions of Article 11, paragraph (1) shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

Article 30 A person falling under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) A person who has made a false report in connection with the collection of reports under Article 23, paragraph (1), item (i) or paragraph (2) of said Article;
- (ii) A person who has refused, obstructed or challenged an inspection or the submission of samples under Article 23, paragraph (1), item (ii) or paragraph (2) of said Article, or has made a false statement in response to any question under these provisions;
- (iii) A person who has made a false statement in response to any question under Article 23, paragraph (1), item (iii) or paragraph (2) of said Article;
- (iv) A person who has failed to submit the relevant articles in violation of the disposition under Article 23, paragraph (1), item (iv) or paragraph (2) of said Article;
- (v) A person who has failed to preserve or has relocated the relevant articles in violation of the disposition under Article 23, paragraph (1), item (v) or paragraph (2) of said Article.

Article 31 When the representative of a juridical person, or an agent, employee or other worker of a juridical person or individual has committed any of the violations set forth in the preceding Article with regard to the business of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished, as prescribed in said Article.

Supplementary Provisions (Excerpts)

(Appointment of the First Chairman and Commissioners)

Article 2 (1) The terms of office of the four Commissioners who are to be appointed for the first time after the enforcement of this Act shall be two years for two Commissioners and three years for the remaining two Commissioners.

(2) The terms of office of respective Commissioners prescribed in the preceding paragraph shall be decided by the Prime Minister.

(3) In the case where the enforcement date of this Act is during a Diet session and where a declaration of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness, and when both Houses or either House of the Diet failed to make any resolution on their consent within ten days, excluding the period of

adjournment of the Diet or the Houses, from the day on which their consent was sought pursuant to the provisions of Article 7, paragraph (1) by attaching a document stating that a declaration of a nuclear emergency situation has been issued (or when a declaration of a nuclear emergency situation was issued after their consent had been sought pursuant to the provisions of said paragraph, from the day on which they received a notice to that effect) (excluding the case where either House of the Diet has made a resolution that it would not give said consent), the Prime Minister may appoint the first Chairman or Commissioners after the enforcement of this Act, from among those who are qualified as prescribed in said paragraph, notwithstanding the provisions of said paragraph.

(4) The provisions of Article 7, paragraph (4) shall apply *mutatis mutandis* in the case referred to in the preceding paragraph. In this case, in Article 7, paragraph (4), the phrase "the preceding paragraph" shall be deemed to be replaced with "Article 2, paragraph (3) of the Supplementary Provisions"; the part "or other circumstances requiring urgency in particular have disappeared" shall be deemed to be deleted; and the term "the Chairman" shall be deemed to be replaced with "the Chairman or the Commissioners."

(5) When the consent of both Houses of the Diet cannot be obtained with regard to the appointment of the first Chairman and the Commissioners after the enforcement of this Act, due to the closing of the Diet or the dissolution of the House of Representatives, the Prime Minister may appoint the Chairman and the Commissioners from among those who are qualified as prescribed in Article 7, paragraph (1), notwithstanding the provisions of said paragraph.

(6) The provisions of Article 7, paragraph (4) shall apply *mutatis mutandis* in the case referred to in the preceding paragraph. In this case, in Article 7, paragraph (4), the phrase "the preceding paragraph" shall be deemed to be replaced with "Article 2, paragraph (5) of the Supplementary Provisions"; the part "when a declaration of the cancellation of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (4) of the Act on Special Measures Concerning Nuclear Emergency Preparedness or other circumstances requiring urgency in particular have disappeared, the *ex post facto* consent of both Houses of the Diet shall be obtained promptly" shall be deemed to be replaced with "the *ex post facto* consent of both Houses of the Diet shall be obtained in the first session of the Diet after the appointment (or in the case where a declaration of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness and when a notice to that effect has been made to both Houses of the Diet, promptly after a declaration of the cancellation of a nuclear emergency situation has been issued pursuant to the provisions of paragraph (4) of said Article"; and the term "the Chairman" shall be deemed to be replaced with "the Chairman or the Commissioners."

(Transitional Measures Concerning Dispositions, etc.)

Article 3 (1) Dispositions, notifications, or other acts, such as permission, authorization, approval, and designation, that had been made by national government organs already in force (hereinafter referred to as "former organs" in this Article) pursuant to the provisions of the respective Acts prior to the revision by this Act (including orders based thereon; hereinafter referred to as the "former laws and regulations" in this Article and paragraph (1) of the following Article), prior to the enforcement of this Act, shall be deemed, after the enforcement of this Act, to be dispositions, notifications, or other acts, such as permission, authorization, approval, and designation, that have been made by the relevant national government organs (hereinafter referred to as "new organs" in this Article) based on the relevant provisions of the respective Acts after the revision by this Act (including orders based thereon; hereinafter referred to as the "new laws and regulations" in this Article and the following Article), except as otherwise provided for by other laws and regulations.

(2) Applications, notifications, or other acts that had already been made to former organs pursuant to the provisions of the former laws and regulations, at the time of the enforcement of this Act, shall be deemed to be applications, notifications, or other acts that have been made to the relevant new organs based on the relevant provisions of the new laws and regulations, except as otherwise provided for by other laws and regulations.

(3) Matters for which reports, notifications, submissions, or other procedures have to be made to former organs pursuant to the provisions of the former laws and regulations, prior to the enforcement of this Act, but for which such procedures have not been made prior to the enforcement date of this Act shall be deemed, after the enforcement of this Act, to be matters for which reports, notifications, submissions, or other procedures shall be made to the relevant new organs based on the relevant provisions of the new laws and regulations, but for which such procedures have not been made, except as otherwise provided for by other laws and regulations, and said relevant provisions shall apply to them.

(Transitional Measures Concerning Effects of Orders)

Article 4 (1) Cabinet Office Ordinances set forth in Article 7, paragraph (3) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or Ministerial Ordinances set forth in Article 12, paragraph (1) of the National Government Organization Act that had been issued pursuant to the provisions of the former laws and regulations already in force at the time of the enforcement of this Act (referred to as "former Cabinet Office Ordinances and Ministerial Ordinances" in the following paragraph) and that provide for the matters to be specified in the Ordinance of the NRA pursuant to the provisions of the new laws and regulations shall have the same effect as the Ordinance of the NRA.

(2) Former Cabinet Office Ordinances and Ministerial Ordinances shall be deemed to have the same effect as the relevant Cabinet Office Ordinances set forth in Article 7,

paragraph (3) of the Act for Establishment of the Cabinet Office or the relevant Ministerial Ordinances set forth in Article 12, paragraph (1) of the National Government Organization Act that have been issued based on the relevant provisions of the new laws and regulations, except as otherwise provided for by other laws and regulations.

(Review on Government Organizations Having Jurisdiction over Affairs for Ensuring Safety in the Use of Nuclear Energy)

Article 5 With regard to government organizations having jurisdiction over affairs for ensuring safety in the use of nuclear energy, the government shall review them, within three years after the enforcement of this Act, including the possibility of establishing an Independent Regulatory Commission under the Cabinet Office, in order to make them better match international criteria, based on the status of the enforcement of this Act, the details of the report to be submitted by the National Diet of Japan Fukushima Nuclear Accident Independent Investigation Commission, and the latest international criteria, etc. for ensuring safety in the use of nuclear energy, and in light of the fact that the physical protection of radioactive material and other affairs for ensuring safety in the use of nuclear energy are closely related to the national security of Japan, and shall take necessary measures based on the results thereof.

(Measures to be Taken by the Government, etc.)

Article 6 (1) Considering that regulations for ensuring safety in the use of nuclear energy are urgently needed upon the occurrence of the accident at the nuclear power plants after the Great East Japan Earthquake, the government shall promptly take necessary measures concerning the following matters and other necessary matters, with regard to the officials of the Secretariat of the NRA, for the purpose of constantly securing excellent and highly-motivated personnel well-versed in international trends concerning such regulations:

(i) To develop a remuneration system under which the acquisition of qualifications, etc. is taken into consideration and to otherwise improve the treatment of the officials in accordance with their duties and responsibilities that require specialized knowledge and experience;

(ii) To first ensure a sufficient number of positions available for new recruits, and to positively employ those with specialized knowledge and experience from domestic universities, research institutes, private business operators and the like, and at the same time positively employ those with specialized knowledge and experience from foreign universities, research institutes, private business operators and the like, in such manner as employing them as staff members who present their third-party opinions on the nuclear energy administration of Japan, in light of the importance of adopting the latest foreign knowledge on the ensuring of safety in the use of nuclear energy proactively;

(iii) To ensure opportunities for the officials to study abroad, to be dispatched to international organizations or government organs of foreign countries, or to work at

diplomatic missions abroad, and to advance personnel exchanges with domestic and foreign universities and research institutes;

(iv) To establish training facilities for improving the officials' professional ability, and to otherwise develop the training system;

(v) To ensure funds for expanding personnel or physical systems of the Nuclear Regulation Authority, including means for ensuring new recruits and other personnel and fostering them, and to introduce a system to classify accounts.

(2) From the viewpoint of ensuring the independence of regulations for ensuring safety in the use of nuclear energy, the officials of the Secretariat of the NRA, including its executive personnel and other officials, may not be transferred to any government organizations that have jurisdiction over affairs concerning the promotion of the use of nuclear energy; provided, however, that this shall not apply in the case within five years after the enforcement of this Act where unavoidable grounds are found in particular by taking into consideration motivation, competence, etc. of the relevant officials.

(3) From the viewpoint of ensuring the independence of regulations for ensuring safety in the use of nuclear energy, the officials of the Secretariat of the NRA shall be restricted from being reemployed in a manner that may bring about suspicion or distrust from the citizens with regard to the fairness of their duties.

(4) In order to have the Nuclear Regulation Authority take over the business of the Japan Nuclear Energy Safety Organization, the government shall abolish the Japan Nuclear Energy Safety Organization as promptly as possible, and shall promptly take legal measures necessary therefor, such as switching the officials of the Japan Nuclear Energy Safety Organization to the relevant officials of the Secretariat of the NRA.

(5) In addition to what are prescribed in the preceding paragraph, the government shall review the structures and businesses of incorporated administrative agencies and other related organizations so that regulations for ensuring safety in the use of nuclear energy may be implemented in a more efficient and effective manner, and shall take necessary measures based on the results thereof.

(6) The government shall review means to increase the effectiveness of the system for making an allegation under Article 66 paragraph (1) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors, and shall take necessary measures based on the results thereof.

(7) Based on the fact that the Great East Japan Earthquake has caused tremendous damage, the government shall explore a fundamental overhaul of its structure to respond to large-scale disasters so that it would be able to make more flexible and effective responses to nuclear emergencies and other large-scale disasters, and shall take necessary measures based on the results thereof.

(8) Based on the experience of the accident at the nuclear power plants after the Great East Japan Earthquake, the government shall promptly review how to disclose information on the relevant nuclear sites and disasters caused by the nuclear accident to local governments, and shall take necessary measures based on the results thereof, and at

the same time, in light of the importance of developing closer cooperative systems among related parties, shall take measures for sharing information among the national government, local governments, residents, and the relevant nuclear operators, as well as among the relevant administrative organs, and take other necessary measures.

(9) Nuclear operators shall be deeply aware that they have the primary responsibility for ensuring the safety of their nuclear facilities and settling any accident, and shall endeavor to further formulate voluntary measures with the aim of developing a system for thorough crisis management for each of their nuclear facilities in order to prevent the occurrence of an accident at said facilities and the expansion of disasters in the event of an accident, in addition to the measures that are required under the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors and the provisions of other laws and regulations.

(Special Provisions for Establishment of Councils, etc.)

Article 6-2 The Commission on Evaluation of the former Japan Nuclear Energy Safety Organization shall be established under the Nuclear Regulation Authority and shall continue to exist until the date specified by Cabinet Order set forth in Article 16, paragraph (1) of the Supplementary Provisions of the Act on Dissolution of the Japan Nuclear Energy Safety Organization (Act No.82 of 2013), pursuant to the provisions of the same Act.

(Review)

Article 97 With regard to the provisions revised under Articles 17 and 18 of the Supplementary Provisions, the government shall review them promptly, while taking into account the status of their enforcement, and shall, when it finds it necessary, take necessary measures based on the results thereof.