

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

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Supplementary Provisions

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 installation and operation, etc. of reactors, while taking into consideration the possibility of large scale natural disasters, terror attacks, or other criminal acts, 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 nuclear energy, in order to ensure that the uses of nuclear source material,

nuclear fuel material and reactors are limited to peaceful ones, and at the same time, to ensure public safety by preventing hazards due to the event that a severe accident at a nuclear facility causes a discharge of an abnormal level of radioactive materials outside the factory or place of activity where said nuclear facility is installed, or otherwise resulting from nuclear source material, nuclear fuel material, and reactors, and protecting nuclear fuel material, thereby contributing to protecting people's lives, health, and property, preserving the environment, and assuring national security.

(Definitions)

Article 2

- (1) The term "nuclear energy" as used in this Act shall mean atomic energy prescribed in item (i) of Article 3 of the Atomic Energy Basic Act.
- (2) The term "nuclear fuel material" as used in this Act shall mean nuclear fuel material prescribed in item (ii) of Article 3 of the Atomic Energy Basic Act.
- (3) The term "nuclear source material" shall mean nuclear source material prescribed in item (iii) of Article 3 of the Atomic Energy Basic Act.
- (4) The term "reactor" as used in this Act shall mean a reactor prescribed in item (iv) of Article 3 of the Atomic Energy Basic Act.
- (5) The term "power reactor" as used in this Act shall mean a reactor used for power generation, excluding reactors used for research and testing other than those specified by Cabinet Order as being in the stage of research and development, and reactors installed on vessels.
- (6) The term "specified nuclear fuel material" as used in this Act shall mean 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.
- (7) The term "nuclear facility" as used in this Act shall mean such facility as a refining facility prescribed in item (ii) of paragraph (2) of the following Article, fuel facility prescribed in item (ii) of Article 13 (2), research and test reactor facility prescribed in item (v) of Article 23 (2), power reactor facility prescribed in item (v) of Article 43-3-5 (2), spent fuel interim storage facility prescribed in item (ii) of Article 43-4 (2), reprocessing facility prescribed in item (ii) of Article 44 (2), waste disposal facility and waste storage facility prescribed in item (ii) of Article 51-2 (2), and usage facility prescribed in item (ii) of Article 53.
- (8) The term "refining" as used in this Act shall mean 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.
- (9) The term "fabricating and enrichment" as used in this Act shall mean 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.
- (10) The term "reprocessing" as used in this Act shall mean 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.
- (11) The term "international controlled material" as used in this Act shall mean 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 nuclear energy (excluding protocol additional to the agreement 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 "additional protocol")) (hereinafter referred to as "international agreements").
- (12) The Nuclear Regulation Authority shall give public notices regarding the international

controlled material set forth in the preceding paragraph.

(13) The term "internationally-specified activities" as used in this Act shall mean 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 Nuclear Regulation Authority, pursuant to the provisions 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 Nuclear Regulation Authority:

- (i) The 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,
- (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 Nuclear Regulation Authority shall not authorize the designation in the same paragraph unless it finds that the application conforms with both of the following items:

- (i) That the applicant has sufficient technical capability and financial basis for executing the activity competently,
- (ii) That the location, structure and equipment of the refining facilities conform with the standards specified by the Ordinance of the NRA as such that they will not hinder the prevention of disasters resulting from nuclear source material or nuclear fuel material.

(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,
- (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 listed in item (ii) or (iii) of paragraph (2) of said Article, he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of 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 place of activity.

(2) When a licensee of refining activity has changed any matter listed in item (i) or (iv) of Article 3 (2), except the case prescribed in Article 9 (1), he/she shall notify the Nuclear Regulation Authority of the change within thirty days from the day that the change was made. The same shall apply to a change made to, from among the matters listed in item (ii) of said paragraph, only

the name of the factory or 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 Nuclear Regulation Authority within fifteen days from the day concerned.

(Merger and Split)

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) or in the case of a split of juridical persons who are licensees of refining activity (limited to the case that the entirety of the refining activity pertaining to the permission is to be succeeded to), when the approval of the Nuclear Regulation Authority has been obtained for the merger or the split, the juridical person who is to continue to exist after the merger, the juridical person who has been established by the merger, or the juridical person who has succeeded to the entirety of the refining activity after the split shall succeed to the status of licensee of refining activity.

(2) The provisions of item (i) of Article 4 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 Nuclear Regulation Authority of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of the Designation)

Article 10

(1) When a licensee of refining activity fails to commence his/her activity within the period specified by the Ordinance of the Nuclear Regulation Authority (hereinafter referred to as "Ordinance of the NRA"), or suspends his/her activity for more than one year continuously, without justifiable grounds, the Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 any of items (ii) to (iv) of Article 5,

(ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of Article 6 (1), without obtaining the permission,

(iii) When he/she has violated an order pursuant to the provision of Article 11-2 (2),

(iv) When he/she has violated the provision of Article 12 (1) or (4), or has violated 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 has violated 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 an order pursuant to 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 the provision of paragraph (4) of said Article,

(xii) When he/she has violated the provision of Article 59-2 (2),

(xiii) When he/she has violated the conditions set forth in Article 62-2 (1) or (2).

(Records)

Article 11

Pursuant to the provisions of the Ordinance of the NRA, the licensee of refining activity shall record the matters specified by the Ordinance of the NRA concerning the implementation of the refining activity, and keep this record at the factory or place of activity.

(Measures to Be Taken for Physical Protection of Specified 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 Cabinet Order requires, the licensee of refining activity shall, pursuant to the provisions of the Ordinance of the NRA, establish and manage areas for the physical protection of specified 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 specified nuclear fuel material, and take any other necessary measures for the physical protection of specified nuclear fuel material (hereinafter referred to as "physical protection measures").

(2) When the Nuclear Regulation Authority finds that any physical protection measures are in violation of the Ordinance of the NRA based on the provision of the preceding paragraph, it may order the relevant licensee of refining activity to correct the measures pertaining to areas for the physical protection of specified nuclear fuel material, correct the handling method of specified nuclear fuel material, and take any other measures necessary for the physical protection of specified nuclear fuel 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 provisions of the Ordinance of the NRA, 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 the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority finds that the operational safety programs need to be amended for preventing disasters resulting from nuclear fuel material, it may order the relevant 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, pursuant to the provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of the preceding paragraph.

(6) In conducting the inspection set forth in the preceding paragraph, the official designated by the Nuclear Regulation Authority may carry out the matters listed below as specified by the Ordinance of the NRA:

- (i) Enter the office, factory or place of activity,
 - (ii) Inspect books, documents or any other necessary property,
 - (iii) Question people concerned,
 - (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 Programs)

Article 12-2

- (1) In the case prescribed in the provision of Article 11-2 (1), the licensee of refining activity shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.
- (2) When the Nuclear Regulation Authority finds that the physical protection programs are not sufficient for protecting specified nuclear fuel material, it shall not grant the approval set forth in the preceding paragraph.
- (3) When the Nuclear Regulation Authority finds that the physical protection programs need to be amended for protecting specified nuclear fuel material, it may order the relevant licensee of refining activity to amend the physical protection programs.
- (4) Any licensee of refining activity and his/her employees must observe the physical protection programs.
- (5) The licensee of refining activity shall, pursuant to the provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of the preceding paragraph.
- (6) In conducting the inspection set forth in the preceding paragraph, the official designated by the Nuclear Regulation Authority may carry out the matters listed below as specified by the Ordinance of the NRA:
- (i) Enter the office, factory or place of activity,
 - (ii) Inspect books, documents or any other necessary property,
 - (iii) Question people concerned,
 - (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 prescribed in the provision of Article 11-2 (1), the licensee of refining activity shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling 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) 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 Nuclear Regulation Authority 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 programs.

(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 Nuclear Regulation Authority may order the relevant 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 by the Ordinance of the NRA (hereinafter referred to as "decommissioning measures" in this Article and the following Article).
- (2) When the licensee of refining activity intends to take decommissioning measures, he/she shall draw up a plan concerning said decommissioning measures (hereinafter referred to as a "decommissioning plan" in this Article and the following Article) in advance, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.
- (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 the approval of the Nuclear Regulation Authority pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to a minor amendment specified by the Ordinance of the NRA.
- (4) When the Nuclear Regulation Authority finds that the decommissioning plan pertaining to the application for the approval as set forth in the two preceding paragraphs conforms with the standards specified by the Ordinance of the NRA, it shall grant the approval set forth in the two preceding paragraphs.
- (5) When the licensee of refining activity has made a minor amendment specified by the Ordinance of the NRA as specified in the proviso of paragraph (3) to the decommissioning plan for which he/she has obtained the approval set forth in paragraph (2), he/she shall notify the Nuclear Regulation Authority 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 set forth in paragraph (2) (the amended decommissioning plan in the case that there has been the approval or notification regarding an amendment pursuant to the provision of paragraph (3) or the preceding paragraph).
- (7) The Nuclear Regulation Authority may order any licensee of refining activity who has taken decommissioning measures that are in violation of the provision of the preceding paragraph to take 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 the confirmation of the Nuclear Regulation Authority regarding whether the results of the measures conform with the standards specified by the Ordinance of the NRA.
- (9) When the licensee of refining activity has obtained the confirmation as prescribed 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 prescribed in paragraph (9) is obtained.
- (2) Pursuant to the provisions of the Ordinance of the NRA, the former licensee of refining activity, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA 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 the permission set forth in paragraph (2) has been obtained, he/she shall obtain the approval of the Nuclear Regulation Authority pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to a minor amendment specified by the Ordinance of the NRA.
- (5) When the Nuclear Regulation Authority finds that the decommissioning plan pertaining to application for the approval set forth in paragraph (2) and the preceding paragraph conforms with the standards specified by the Ordinance of the NRA as prescribed in paragraph (4) in the preceding Article, it shall grant the approval set forth in paragraph (2) and the preceding paragraph.
- (6) When the former licensee of refining activity, etc. has made a minor amendment as specified by the Ordinance of the NRA in the proviso of paragraph (4) to a decommissioning plan for which the approval set forth in paragraph (2) has been obtained, he/she shall notify the Nuclear Regulation Authority of this minor amendment.
- (7) The former licensee of refining activity, etc. shall take decommissioning measures in compliance with the decommissioning plan for which the approval set forth in paragraph (2) has been obtained (the amended decommissioning plan in the case that there has been the approval or notification regarding an amendment pursuant to the provision of paragraph (4) or the preceding paragraph).
- (8) The Nuclear Regulation Authority may order any former licensee of refining activity, etc. who has taken decommissioning measures that are in violation of the provision of the preceding paragraph to take 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 the confirmation of the Nuclear Regulation Authority regarding whether the results of the measures conform with the standards specified by the Ordinance of the NRA as prescribed in paragraph (8) of the preceding Article.

Chapter III Regulations Concerning Fabricating and Enrichment Activity

(Permission for the Activity)

Article 13

- (1) Any person who intends to carry out a fabricating or enrichment activity shall obtain the permission of the Nuclear Regulation Authority, pursuant to provisions of Cabinet Order.
- (2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit to the Nuclear Regulation Authority 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 name and address of the factory or 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,
- (iv) A construction plan for the fuel facilities,
- (v) The matters concerning the radiation management at the fuel facilities,
- (vi) The matters concerning the development of facilities and systems necessary for taking responses in the event that nuclear fuel material has fallen into a critical state (a state under which a nuclear fission chain reaction is continuing; the same shall apply hereinafter) or other accidents have occurred at 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 Nuclear Regulation Authority shall not grant the permission set forth in said paragraph unless it finds that the application conforms with all of the following items:

- (i) That the applicant has the technical capability required for taking measures necessary for preventing the occurrence and expansion of a severe accident (an accident where nuclear fuel material has fallen into a critical state or other severe accidents specified by the Ordinance of the NRA; the same shall apply in Article 21-2 (1) and item (ii) of Article 22-7-2 (2)) and has other technical capability sufficient for carrying out the fabricating or enrichment activity competently,
- (ii) That the applicant has sufficient financial basis for executing the activity competently,
- (iii) That the location, structure and equipment of the fuel facilities conform with the standards specified by the Ordinance of the NRA as such that they will not hinder the prevention of disasters resulting from nuclear fuel material.

(Ineligibility for the 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,
- (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 change any matter listed in item (ii), (iii), (v), or (vi) of paragraph (2) of said Article, he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order; provided, however, that this shall not apply to a change made to, from among the matters listed in item (ii) of said paragraph, only the name of the factory or place of activity.

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

(3) The provision of Article 14 shall apply mutatis mutandis to the permission set forth 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 provisions of the Ordinance of the NRA, obtain the approval of the Nuclear Regulation Authority with respect to the design and construction method of the fuel facilities (except for welding methods pertaining to the fuel facilities prescribed 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 apply when making modifications to the fuel facilities.

(2) When any licensee of fabricating or enrichment activity intends to change 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 Nuclear Regulation Authority pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to a minor change specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the application for the approval set forth in the two preceding paragraphs conforms with all of the following items, it shall grant the approval set forth in the two preceding paragraphs:

(i) That the design and construction method of the fuel facilities are as permitted as set forth in Article 13 (1) or paragraph (1) of the preceding Article, or as notified pursuant to the provision of paragraph (2) of said Article,

(ii) That the design and construction method of the fuel facilities conform with the technical standards specified by the Ordinance of the NRA,

(iii) That the person's quality control method pertaining to the design and construction and systems for their inspection conform with the technical standards specified by the Ordinance of the NRA.

(4) When any licensee of fabricating or enrichment activity has made a minor change to the design and construction method, as specified by the Ordinance of the NRA 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 Nuclear Regulation Authority of the minor change.

(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 prescribed 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 Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, and shall not use the fuel facilities until after the fuel facilities have passed the inspection. The same shall apply when making modifications to the fuel facilities.

(2) Fuel facilities shall be considered to have passed the inspection set forth in the preceding paragraph when they conform with both 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 (the changed design and method in the case that there has been the approval or notification regarding a change pursuant to the provision of paragraph (2) or (4) or said Article) has been obtained,

(ii) That their performance conforms with the technical standards set forth in Article 16-4-2.

(Welding Method and Inspection)

Article 16-4

(1) Any container used for heating uranium hexafluoride and other fuel facilities specified by the Ordinance of the NRA that are to be welded shall be inspected by the Nuclear Regulation Authority when welding is to be performed, pursuant to the provisions of the Ordinance of the NRA, and the licensee of fabricating or enrichment activity shall not use the fuel facilities until after they have passed the inspection; provided, however, that this shall not apply to the case

prescribed in paragraph (4) and cases specified by the Ordinance of the NRA.

(2) Any person who intends to undergo the inspection set forth in the preceding paragraph shall obtain the approval of the Nuclear Regulation Authority concerning the method of welding, pursuant to the provisions of the Ordinance of the NRA.

(3) That welding shall be considered to have passed the inspection set forth in paragraph (1) when it conforms with both of the following items:

(i) That welding is being carried out in compliance with the method for which the permission set forth in the preceding paragraph has been obtained,

(ii) Welding conforms with the technical standards specified by the Ordinance of the NRA.

(4) Fuel facilities involving welding prescribed in paragraph (1) that have been imported shall be inspected by the Nuclear Regulation Authority concerning the welding pursuant to the provisions of the Ordinance of the NRA, and the licensee of fabricating or enrichment activity shall not use the fuel facilities until after they have passed the inspection.

(5) Welding shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standards set forth in item (ii) of paragraph (3).

(Maintenance of Performance of Fuel Facilities)

Article 16-4-2

Any licensee of fabricating or enrichment activity shall maintain his/her fuel facilities, so that the performance of the fuel facilities conforms with the technical standards specified by the Ordinance of the NRA; 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 the NRA).

(Periodic Facility Inspection)

Article 16-5

(1) Any licensee of fabricating or enrichment activity shall, pursuant to the provisions of the Ordinance of the NRA, undergo an annual inspection by the Nuclear Regulation Authority 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 the NRA).

(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 set forth in the preceding Article.

(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 Nuclear Regulation Authority within fifteen days from the day concerned.

(Merger and Split)

Article 18

(1) In the case of a merger of juridical persons who are licensees 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) or in the case of a split of juridical persons who are licensees of fabricating or enrichment activity (limited to the case that the entirety of the fabricating or enrichment activity pertaining to the permission is to be succeeded to), when the approval of the Nuclear Regulation Authority has been obtained for the merger or the split, the juridical person who is to continue to exist after the merger, the juridical person who has been established by the merger, or the juridical person who has succeeded to the entirety of the fabricating or enrichment activity after the split shall succeed to the status of the licensee of fabricating or enrichment activity.

(2) The provisions of items (i) and (ii) of Article 14, 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 to the status of the licensee of fabricating or enrichment activity.

(2) The inheritor who has succeeded to the status of the licensee of fabricating or enrichment activity pursuant to the provision of the preceding paragraph shall notify the Nuclear Regulation Authority 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 specified by the Ordinance of the NRA, or suspends his/her activity for more than one year continuously, without justifiable grounds, the Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 any of items (ii) to (iv) of Article 15,

(ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of Article 16 (1), without obtaining the 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 has violated 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 set forth in 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),

(xix) When he/she has violated an order pursuant to the provision of Article 7 (4), Article 8 (5), Article 9 (7), Article 11 (6), or Article 13-2 (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 156 of 1999).

(Records)

Article 21

Pursuant to the provisions of the Ordinance of the NRA, the licensee of fabricating or enrichment activity shall record the matters specified by the Ordinance of the NRA concerning the implementation of the fabricating or enrichment activity, and keep this record at the factory or place of activity.

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

Article 21-2

(1) Any licensee of fabricating or enrichment activity shall, pursuant to the provisions of the Ordinance of the NRA, take necessary operational safety measures concerning the following matters (including the matters concerning measures to be taken in the event of a severe accident):

- (i) Maintenance etc. of fuel facilities,
- (ii) Operation of fabricating or enrichment equipment,
- (iii) Shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material (regarding shipment and disposal, limited to that conducted in the premises of the factory or 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 place of activity where the fabricating fuel facilities have been installed shall, if specified by Cabinet Order, take physical protection measures pursuant to the provisions of the Ordinance of the NRA.

(Suspension, etc. of the Use of Facilities)

Article 21-3

(1) When the Nuclear Regulation Authority finds that any of the location, structure or equipment of the fuel facilities does not conform with the standards set forth in item (iii) of Article 14, that the performance of the fuel facilities does not conform with the technical standards set forth in Article 16-4-2, 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 provisions of the Ordinance of the NRA pursuant to the provision of paragraph (1) of the preceding Article, it may order the relevant licensee of fabricating or enrichment activity to suspend, remodel, repair or change the location of the fuel facilities, designate a method for operation of fabricating or enrichment equipment or order any other necessary operational safety measures to be taken.

(2) When the Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (2) of the preceding Article, it may order the relevant 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 provisions of the Ordinance of the NRA, 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 the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority finds that the operational safety programs need to be amended for preventing disasters resulting from nuclear fuel material, it may order the relevant 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 provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of 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 "the 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, pursuant to the provisions of the Ordinance of the NRA, appoint a chief engineer of nuclear fuel from among the persons who are certified chief engineers of nuclear fuel set forth in paragraph (1) of the following Article and have work experience specified by the Ordinance of the NRA, and have this person supervise operational safety related to 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 Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 Nuclear Regulation Authority,

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

(2) The Nuclear Regulation Authority may not issue a certification for chief engineer of nuclear fuel to any person who falls under either of the following items:

(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,

(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 Nuclear Regulation Authority 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 by the Ordinance of the NRA.

(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 Nuclear Regulation Authority may order the relevant licensee of fabricating or enrichment activity to dismiss the chief engineer of nuclear fuel.

(Physical Protection Programs)

Article 22-6

(1) In the case prescribed in the provision of Article 21-2 (2), the licensee of fabricating or enrichment activity shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection programs 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 "the preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 22-6 (1)," and the term "licensee of refining activity" 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 prescribed in the provision of Article 21-2 (2), the licensee of fabricating or enrichment activity shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager, from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling 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 fabricating or enrichment activity," and the term "refining facilities" shall be deemed to be replaced with "fuel facilities."

(Evaluation for the Purpose of Improving the Safety of Fuel Facilities)

Article 22-7-2

(1) The licensee of fabricating or enrichment activity shall, pursuant to the provisions of the Ordinance of the NRA, conduct self-evaluation of the safety of his/her fuel facilities at each timing specified by the Ordinance of the NRA for the purpose of improving the safety of the fuel facilities; provided, however, that this shall not apply to the case where the approval set forth in paragraph (2) of the following Article has been obtained (except for the cases specified by the Ordinance of the NRA).

(2) The evaluation set forth in the preceding paragraph shall be conducted by investigating and analyzing the matters listed below and making a comprehensive evaluation of the safety of said fuel facilities as a whole, while taking into consideration the results of the investigation and analysis:

(i) When having taken the following measures for the purpose of preventing the occurrence and expansion of any possible severe accidents at fuel facilities (hereinafter referred to as "prevention, etc. of accidents" in this item), said measures and the matters concerning the effects of the measures for the prevention, etc. of accidents:

(a) Install equipment or apparatus contributing to the prevention, etc. of accidents other than the equipment or apparatus specified in the technical standards set forth in item (ii) of Article 16-2 (3) as those to be installed,

(b) Develop a system for steadily taking measures for the prevention, etc. of accidents, such as through increasing personnel for ensuring operational safety and enhancing education on operational safety,

(ii) When there remains a possibility to lead to a severe accident in spite of having taken the measures listed in (a) and (b) of the preceding item, the matters concerning said possibility.

(3) When a licensee of fabricating or enrichment activity has conducted self-evaluation set forth in paragraph (1), he/she shall notify the Nuclear Regulation Authority of the results of the self-evaluation, methods of investigation, analysis, and comprehensive evaluation for said self-evaluation, and the matters specified by the Ordinance of the NRA (referred to as the "results of the evaluation, etc." in paragraph (5)), pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to the case where the approval set forth in paragraph (2) of the following Article has been obtained (except for the cases specified by the Ordinance of the NRA).

(4) When the Nuclear Regulation Authority finds that methods of investigation, analysis, and comprehensive evaluation for said self-evaluation, out of the matters it was notified of pursuant to the provision of the preceding paragraph, do not conform with the methods specified by the Ordinance of the NRA, it may order the licensee of fabricating or enrichment activity who has made the notification to change the methods of investigation, analysis, or comprehensive evaluation.

(5) When a licensee of fabricating or enrichment activity has made a notification pursuant to the provision of paragraph (3), he/she shall publicize the results of the evaluation, etc. that he/she made a notification of, pursuant to the provisions of the Ordinance of the NRA.

(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 by the Ordinance of the NRA (hereinafter referred to as "decommissioning measures" 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 the decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.

(3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning measures of the licensee of fabricating or enrichment activity. In this case, the term "the preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 22-8 (2)"; the term "the 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 16-4-2, Article 16-5, Articles 21 to 22-2 and Articles 22-4 to 22-7-2 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (5) is obtained.

(2) Pursuant to the provisions of the Ordinance of the NRA, the former licensee of fabricating or enrichment activity, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA 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) (except for the cases specified by the Ordinance of the NRA), the provisions of Article 16-4-2, Article 16-5, and Article 22-7-2 shall not apply.

(5) The provisions of Article 12-7 (4) to (9) shall apply mutatis mutandis to decommissioning measures of the 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 Installation, Operation, Etc. of Reactors

Section 1 Regulations Concerning the Installation, Operation, etc. of Research and Test Reactors

(Permission for the Installation)

Article 23

(1) Any person who intends to install reactors other than power reactors (hereinafter referred to as "research and test reactors") shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of 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 Nuclear Regulation Authority:

(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 the research and test reactors,

(iv) The name and address of the factory or place of activity where the research and test reactors are to be installed (in the case that the research and test reactors are to be installed on a vessel, the name and 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 research and test reactors),

(v) The location, structure and equipment of the research and test reactors and auxiliary facilities (hereinafter referred to as "research and test reactor facilities"),

(vi) The construction plan for the research and test reactor facilities,

(vii) The type and amount scheduled for annual use of nuclear fuel material to be used as fuel for

the research and test reactors,
(viii) The method for disposing of spent fuel.

(Permission pertaining to Research and Test 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 research and test reactor operation")) who intends to put a vessel equipped with research and test reactors (hereinafter referred to as "nuclear vessel") (excluding war vessels; hereinafter referred to as "foreign nuclear vessels") that he/she owns into the water areas of Japan shall, pursuant to the provisions of Cabinet Order, obtain the permission of the Nuclear Regulation Authority to maintain research and test 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 to the Nuclear Regulation Authority:

- (i) The name of the vessel,
- (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 Nuclear Regulation Authority shall not grant the permission set forth in said paragraph unless it finds that the application conforms with all of the following items:

- (i) That the research and test reactors will not be utilized for non-peaceful purposes,
- (ii) That the applicant (including the shipbuilder who constructs the vessel in the case that research and test reactors are to be installed on a vessel) has sufficient technical capability and financial basis necessary for installing the research and test reactors, and has sufficient technical capability for operating the research and test reactors competently,
- (iii) That the location, structure and equipment of the research and test reactor facilities conform with the standards specified by the Ordinance of the NRA as such that they will not hinder the prevention of disasters resulting from nuclear fuel material (including spent fuel; the same shall apply hereinafter, excluding in item (vii) of Article 43-3-5 (2)), material contaminated by nuclear fuel material (including fission products; the same shall apply hereinafter) or the research and test reactors.

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

Article 24-2

(1) In the case that an application for the permission set forth in Article 23-2 (1) is made, the Nuclear Regulation Authority shall not grant the permission set forth in Article 23-2 (1) unless it finds that the application conforms with the matters listed in items (i), (ii) (limited to the portion pertaining to operation of the research and test reactors only) and (iii) of 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,

(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 research and test reactor operation intends to change any matter listed in items (ii) to (v), or item (viii) of Article 23 (2), he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order; provided, however, that this shall not apply to a change made to, from among the matters listed in item (iv) of said paragraph, only the name of the factory or place of activity.

(2) When a licensee of research and test reactor operation has changed any matter listed in item (i), (vi) or (vii) of Article 23 (2), except the case prescribed in Article 32 (1), he/she shall notify the Nuclear Regulation Authority of the change within thirty days from the day that the change was made. The same shall apply to a change made to, from among the matters listed in item (iv) of said paragraph, only the name of the factory or place of activity.

(3) In a case where research and test reactors are to be 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 licensee of research and test reactor operation shall notify the Nuclear Regulation Authority of the name of the vessel within thirty days from the day of the registration. The same shall apply when a change is 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 change 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 changed these matters outside of Japan, he/she shall obtain the permission of the Nuclear Regulation Authority with respect to such changes and the maintenance of the research and test reactors pertaining to the changes in Japan, pursuant to the provisions of Cabinet Order.

(2) When the operator of a foreign nuclear vessel has changed the matter listed in item (i) of Article 23-2 (2) in Japan, or a matter listed in item (ii) of said paragraph that pertains only to item (i) of Article 23 (2), he/she shall notify, without delay, the Nuclear Regulation Authority of such changes. The same shall apply when a foreign nuclear vessel enters the water areas of Japan after changing 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 research and test reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, obtain the approval of the Nuclear Regulation Authority with respect to the design and construction method of the research and test reactor facilities (except for welding methods pertaining to research and test reactor facilities prescribed in Article 28-2 (1) that are to be welded; hereinafter the same shall apply in this Article) before commencing construction work of the research and test reactor facilities. The same shall apply when making modifications to the reactor facilities.

(2) When any licensee of research and test reactor operation intends to change the design and construction method related to a research and test reactor facility for which the approval set forth in the preceding paragraph has been obtained, he/she shall obtain the approval of the Nuclear

Regulation Authority pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to a minor change specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the application for the approval set forth in the two preceding paragraphs conform with all of the following items, it shall grant the approval set forth in the two preceding paragraphs:

(i) That the design and construction method of the research and test reactor facilities are as permitted as set forth in Article 23 (1) or Article 26 (1), or as notified pursuant to the provision of paragraph (2) of said Article,

(ii) That the design and construction method of the research and test reactor facilities conform with the technical standards specified by the Ordinance of the NRA,

(iii) That the person's quality control method pertaining to the design and construction and systems for their inspection conform with the technical standards specified by the Ordinance of the NRA.

(4) When any licensee of research and test reactor operation has made a minor change to the design and construction method of a research and test reactor facility for which the approval set forth in paragraph (1) has been obtained, he/she shall notify the Nuclear Regulation Authority of the minor change, pursuant to the provisions of the Ordinance of the NRA under the proviso of paragraph (2).

(Pre-service Inspection)

Article 28

(1) Any licensee of research and test reactor operation shall subject his/her research and test reactor facilities to an inspection concerning their construction work (except for the research and test reactor facilities prescribed 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 Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, and shall not use the research and test reactor facilities until after the research and test reactor facilities have passed the inspection. The same shall apply when making modifications to the research and test reactor facilities.

(2) Research and test reactor facilities shall be considered to have passed the inspection set forth in the preceding paragraph when they conform with both 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 (the changed design and method in the case that there has been the approval or notification regarding a change pursuant to the provision of paragraph (2) or (4) of said Article) has been obtained,

(ii) That their performance conforms with the technical standards set forth in Article 28-3.

(Welding Method and Inspection)

Article 28-2

(1) Any reactor container pertaining to research and test reactors and other research and test reactor facilities specified by the Ordinance of the NRA that are to be welded shall be inspected by the Nuclear Regulation Authority with respect to the welding, pursuant to the provisions of the Ordinance of the NRA, and the licensee of research and test reactor operation may not use such containers or research and test reactor facilities until after they have passed the inspection; provided, however, that this shall not apply to the case prescribed in paragraph (4) or cases specified by the Ordinance of the NRA.

(2) A person who intends to undergo the inspection set forth in the preceding paragraph shall obtain the approval of the Nuclear Regulation Authority concerning the method of welding, pursuant to the provisions of the Ordinance of the NRA.

(3) Welding shall be considered to have passed the inspection set forth in paragraph (1) when it conforms with both of the following items:

(i) That welding is being carried out in compliance with the method for which the approval set forth in the preceding paragraph has been obtained,

(ii) That welding conforms with the technical standards specified by the Ordinance of the NRA.

(4) Research and test reactor facilities involving welding prescribed in paragraph (1) that have been imported shall be inspected by the Nuclear Regulation Authority concerning the welding pursuant to the provisions of the Ordinance of the NRA, and the licensee of research and test reactor operation shall not use the research and test reactor facilities until after they have passed the inspection.

(5) Welding shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standards set forth in item (ii) of paragraph (3).

(Maintenance of Performance of Research and Test Reactor Facilities)

Article 28-3

Any licensee of research and test reactor operation shall maintain his/her research and test reactor facilities, so that the performance of the research and test reactor facilities conforms with the technical standards specified by the Ordinance of the NRA; provided, however, that this shall not apply to research and test reactors when the approval set forth in Article 43-3-2 (2) has been obtained, unless otherwise specified by the Ordinance of the NRA.

(Periodic Facility Inspection)

Article 29

(1) Any licensee of research and test reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, undergo an annual inspection by the Nuclear Regulation Authority concerning the performance of the research and test reactor facilities specified by Cabinet Order; provided, however, that this shall not apply to research and test reactors when the approval set forth in Article 43-3-2 (2) has been obtained, unless otherwise specified by the Ordinance of the NRA.

(2) The inspection set forth in the preceding paragraph shall be conducted with regard to whether the performance of the research and test reactor facilities conforms with the technical standards set forth in the preceding Article.

(Operation Plan)

Article 30

Any licensee of research and test reactor operation shall, pursuant to provisions of the Ordinance of the NRA, create an operation plan for the research and test reactors pertaining to their installation (except for the research and test reactors that fall under those specified by Cabinet Order) and notify the Nuclear Regulation Authority of the plan. The same shall apply when amendments are made to such plans; provided, however, that this shall not apply to the research and test reactors for which the approval set forth in Article 43-3-2 (2) has been obtained.

(Merger and Split)

Article 31

(1) In the case of a merger of juridical persons who are licensees of research and test reactor operation (except in the case of a merger of a juridical person who is a licensee of research and test reactor operation and a juridical person who is not a licensee of research and test reactor operation, and where the juridical person who is the licensee of research and test reactor operation continues to exist) or in the case of a split of juridical persons who are licensees of research and test reactor operation (limited to the case that the entirety of the research and test reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material pertaining to the permission is to be succeeded to), when the approval of the Nuclear Regulation Authority has been obtained for the merger or the split, the juridical person who is to continue to exist after the merger, the juridical person who has been established by the merger, or the juridical person who has succeeded to the entirety of the research and test reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material after the split shall succeed to the status of the licensee of research and test reactor operation.

(2) The provisions of items (i) and (ii) 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 research and test reactor operation, the inheritor shall succeed to the status of the licensee of research and test reactor operation.

(2) The inheritor who has succeeded to the status of the licensee of research and test reactor operation pursuant to the provision of the preceding paragraph shall notify the Nuclear Regulation Authority 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 research and test reactor operation fails to commence operation of his/her research and test reactors within the period specified by the Ordinance of the NRA, or suspends operation for more than one year continuously, without justifiable grounds, the Nuclear Regulation Authority may rescind the permission set forth in Article 23 (1).

(2) When a licensee of research and test reactor operation falls under any of the following items, the Nuclear Regulation Authority may rescind the permission set forth in Article 23 (1), or specify a period not exceeding one year and order suspension of the operation of research and test reactors for that period:

(i) When a licensee of research and test reactor operation falls under any of items (ii) to (iv) of Article 25,

(ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of Article 26 (1), without obtaining 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 has violated 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 research and test 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 set forth in 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 the provision of Article 7 (4), Article 8 (5), Article 9 (7), Article 11 (6), or Article 13-2 (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness,

(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 37-5 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 37-5 of said Act).

(3) When the operator of a foreign nuclear vessel falls under any of the following items, the Nuclear Regulation Authority 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 the matters as set forth in Article 26-2 (1) without obtaining the permission set forth in the said paragraph,
- (iii) When he/she has violated the conditions set forth in Article 62-2 (1).

(Records)

Article 34

Pursuant to the provisions of the Ordinance of the NRA, the licensee of research and test reactor operation shall record the matters specified by the Ordinance of the NRA concerning the operation of the research and test reactors and other uses of the research and test reactor facilities, and keep this record at the factory or place of activity (in the case that research and test reactors are to be installed on a vessel, the vessel or the office of the licensee of research and test reactor operation).

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

Article 35

(1) Any licensee of research and test reactor operation and any operator of a foreign nuclear vessel shall, pursuant to the provisions of the Ordinance of the NRA, take necessary operational safety measures concerning the following matters:

- (i) Maintenance etc. of research and test reactor facilities,
- (ii) Operation of research and test reactors,
- (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 place of activity (including reactor vessels; hereinafter the same shall apply in the following paragraph) where the research and test reactor facilities have been installed; hereinafter the same shall apply to paragraph (1) of the following Article).

(2) Any licensee of research and test reactor operation or operator of a foreign nuclear vessel who handles specified nuclear fuel material at a factory or place of activity where the research and test reactor facilities have been installed shall, if specified by Cabinet Order, take physical protection measures pursuant to the provisions of the Ordinance of the NRA.

(Suspension, etc. of the Use of Facilities)

Article 36

(1) When the Nuclear Regulation Authority finds that any of the location, structure or equipment of the research and test reactor facilities does not conform with the standards set forth in item (iii) of Article 24 (1), that the performance of the research and test reactor facilities does not conform with the technical standards set forth in Article 28-3, or that the measures pertaining to the maintenance etc. of the research and test reactor facilities, the operation of the research and test reactors, or the shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (1) of the preceding Article, it may order the relevant licensee of research and test reactor operation or the relevant operator of a foreign nuclear vessel to suspend use, remodel, repair or change the location of the research and test reactor facilities, designate a method for operating the research and test reactors or order the necessary operational safety measures to be taken.

(2) When the Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (2) of the preceding Article, it may order the relevant licensee of research and test reactor operation

or the relevant 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 licensee of research and test reactor operation (limited to a person who has installed research and test 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 Nuclear Regulation Authority in advance, pursuant to the provisions of the Ordinance of the NRA.

(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 Nuclear Regulation Authority in advance, pursuant to the provisions of the Ordinance of the NRA.

(3) When the notification pursuant to the provision of the two preceding paragraphs is made, the Nuclear Regulation Authority shall, if it finds it necessary, notify the Minister of Land, Infrastructure, Transport and Tourism (hereinafter referred to as the "Minister of MLIT") of matters pertaining to measures to be taken by the licensee of research and test reactor operation to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors, pursuant to the provisions of the Ordinance of the NRA.

(4) When the notification set forth in the preceding paragraph is made, the Minister of MLIT shall order the licensee of research and test reactor operation or the operator of a foreign nuclear vessel to take necessary measures for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors, and 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 prescribed in 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 37-5 of said Act) to take the necessary regulations concerning navigation of the relevant reactor vessels.

(Operational Safety Programs)

Article 37

(1) Any licensee of research and test reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, specify operational safety programs (including rules concerning education on operational safety related to the operation of the research and test reactors; hereinafter the same shall apply in this Article) before commencing the operation of the research and test reactors, and obtain the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority finds that the operational safety programs need to be amended for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or research and test reactors, it may order the relevant licensee of research and test reactor operation to amend the operational safety programs.

(4) Any licensee of research and test reactor operation and his/her employees shall observe the operational safety programs.

(5) Any licensee of research and test reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of 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 "the preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 37 (5)."

Article 38

Deletion [Act No. 44 of May 2005]

(Reception, etc. of Research and Test Reactors)

Article 39

(1) Any person who intends to receive research and test reactors or entire facilities that include research and test reactors (including nuclear vessels; the same shall apply in paragraph (4)) from a licensee of research and test reactor operation shall obtain the permission of the Nuclear Regulation Authority pursuant to the provisions of 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 licensees of research and test reactor operation) shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of 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 research and test reactors or entire facilities that include research and test reactors from a licensee of research and test reactor operation shall succeed to the status of the licensee of research and test reactor operation with respect to the relevant research and test reactors.

(5) A person who, with the permission set forth in paragraph (2), has received a reactor vessel shall be deemed a licensee of research and test reactor operation. In this case, the term "any matter listed in items (ii) to (v), or item (viii) of Article 23 (2)" in Article 26 (1) and the term "any matter listed 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 specified 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 Research and Test Reactors)

Article 40

(1) Any licensee of research and test reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, appoint a chief engineer of research and test reactors from among the persons who are licensed chief engineers of research and test reactors 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 research and test reactor operation has appointed a chief engineer of research and test reactors pursuant to the provision of the preceding paragraph, the licensee of research and test reactor operation shall notify the Nuclear Regulation Authority of the appointment within thirty days of the appointment. The same shall apply to the dismissal of the chief engineer of research and test reactors.

(Certificate for Chief Engineer of Reactors)

Article 41

(1) The Nuclear Regulation Authority 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 Nuclear Regulation Authority,

(ii) A person whom the Nuclear Regulation Authority finds, pursuant to the provisions of 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 Nuclear Regulation Authority may not issue a certification for chief engineer of reactors to any person who falls under any of the following items:

(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 one year has not yet elapsed from the day he/she was ordered to return his/her certification,

(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 Nuclear Regulation Authority 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 by the Ordinance of the NRA.

(Duties, etc. of the Chief Engineer of Research and Test Reactors)

Article 42

(1) The chief engineer of research and test reactors shall execute his/her duties in good faith.

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

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

Article 43

When the chief engineer of research and test reactors has violated the provisions of this Act or an order pursuant to this Act, the Nuclear Regulation Authority may order the relevant licensee of research and test reactor operation to dismiss the chief engineer of research and test reactors.

(Physical Protection Programs)

Article 43-2

(1) In the case prescribed in the provision of Article 35 (2), the licensee of research and test reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection programs 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 "the preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 43-2 (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 research and test reactor operation."

(Physical Protection Manager)

Article 43-3

(1) In the case prescribed in the provision of Article 35 (2), the licensee of research and test reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager, from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling 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 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 research and test reactor operation," and the term "refining facilities" shall be deemed to be replaced with "research and test reactor facilities."

(Measures Associated with Abolition of Research and Test Reactors)

Article 43-3-2

(1) When the licensee of research and test reactor operation intends to abolish his/her research and test reactors, he/she shall dismantle the research and test 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 by the Ordinance of the NRA (hereinafter referred to as "decommissioning measures" in this Article and the following Article).

(2) When the licensee of research and test reactor operation intends to take decommissioning measures, he/she shall draw up a plan concerning said decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.

(3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning measures of the licensee of research and test reactor operation. In this case, the term "the preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 43-3-2 (2)"; the term "the 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"; the term "paragraph (2)" in paragraphs (5) and (6) of said Article shall be deemed to be replaced with "Article 43-3-2 (2)"; the term "or material contaminated by nuclear fuel material" in paragraph (7) of said Article shall be deemed to be replaced with ", material contaminated by nuclear fuel material, or research and test reactors"; and the term "the designation set forth in 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 research and test 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 research and test reactor operation has had his/her permission rescinded pursuant to the provision of Article 33 (1) or (2), or when any licensee of research and test 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 research and test reactor operation, etc. (a person who controls the inherited property in lieu of the liquidator, bankruptcy trustee or heir when the licensee of research and test reactor operation has had his/her permission rescinded pursuant to the provision of Article 33 (1) or (2) or when the licensee of research and test 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 licensee of research and test reactor operation regarding the application of the provisions of Article 28-3, 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 prescribed in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the Ordinance of the NRA, the former licensee of research and test reactor operation, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA from the date that his/her permission as a licensee of research and test 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 research and test reactor operation.

(3) The former licensee of research and test reactor operation, 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 the former licensee of research and test reactor operation, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to the former licensee of research and test 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 "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 "or material contaminated by nuclear fuel material" in paragraph (8) of said Article shall be deemed to be replaced with ", material contaminated by nuclear fuel material, or research and test reactors"; the term "paragraph (8) of the preceding Article" in paragraph (9) of 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 research and test reactor operation" and the term "Article 16-4-2, Article 16-5, and Article 22-7-2" shall be deemed to be replaced with "Article 28-3 and Article 29."

(Delegation to Cabinet Order)

Article 43-3-4

(1) In the case of abolition of research and test reactors by an operator of a foreign nuclear vessel or a rescission of the permission of an operator of a foreign nuclear vessel pursuant to the 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 research and test reactors or from nuclear fuel material or material contaminated by nuclear fuel material in association with the abolition, etc. of the research and test reactors may be specified by Cabinet Order.

(2) The necessary penal provisions may be established in the Cabinet Order pursuant to the provision of the preceding paragraph.

(3) The penalties that may be provided for 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.

Section 2 Regulations Concerning the Installation, Operation, etc. of Power Reactors

(Permission for the Installation)

Article 43-3-5

(1) Any person who intends to install power reactors shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of 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 Nuclear Regulation Authority:

(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 power reactors are to be used,

(iii) The type, thermal output and number of the power reactors,

(iv) The name and address of the factory or place of activity where the power reactors are to be installed,

(v) The location, structure and equipment of the power reactors and auxiliary facilities (hereinafter referred to as "power reactor facilities"),

(vi) The construction plan for the power reactor facilities,

(vii) The type and amount scheduled for annual use of nuclear fuel material to be used as fuel for the power reactors,

(viii) The method for disposing of spent fuel,

(ix) The matters concerning the radiation management at the power reactor facilities,

(x) The matters concerning the development of facilities and systems necessary for taking responses in the event of the occurrence of significant damage to the core of the power reactors or other accidents.

(Criteria for the Permission)

Article 43-3-6

(1) In the case that an application for the permission set forth in paragraph (1) of the preceding Article is made, the Nuclear Regulation Authority shall not grant the permission set forth in said paragraph unless it finds that the application conforms with all of the following items:

(i) That the power reactors will not be utilized for non-peaceful purposes,

(ii) That the applicant has sufficient technical capability and financial basis necessary for installing the power reactors,

(iii) That the applicant has the technical capability required for taking measures necessary for preventing the occurrence and expansion of a severe accident (significant damage to the core of

the power reactor or other severe accidents specified by the Ordinance of the NRA; the same shall apply in Article 43-3-22 (1) and item (ii) of Article 43-3-29 (2)) and has other technical capability sufficient for operating the power reactors competently,

(iv) That the location, structure and equipment of the power reactor facilities conform with the standards specified by the Ordinance of the NRA as being such that they will not hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or the power reactors.

(2) In the case set forth in the preceding paragraph, the type design of specified equipment prescribed in Article 43-3-30 (1) that has obtained type certification pursuant to the provision of said paragraph shall be deemed to conform with the standards set forth in item (iv) of the preceding paragraph (limited to the portion pertaining to the technical standards).

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

(Ineligibility for the Permission)

Article 43-3-7

Any person who falls under any of the following items shall not be granted the permission set forth in Article 43-3-5(1):

(i) A person whose permission set forth in Article 43-3-5 (1) has been rescinded pursuant to the provision of Article 43-3-20 (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,

(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 43-3-8

(1) When any person who has obtained the permission set forth in Article 43-3-5 (1) (hereinafter referred to as a "licensee of power reactor operation") intends to change any matter listed in items (ii) to (v), or items (viii) to (x) of paragraph (2) of said Article, he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order; provided, however, that this shall not apply to a change made to, from among the matters listed in item (iv) of said paragraph, only the name of the factory or place of activity, or a change made to, from among the matters listed in item (v) of said paragraph, only those specified by the Ordinance of the NRA set forth in paragraph (4).

(2) The provision of Article 43-3-6 shall apply mutatis mutandis to the permission set forth in the main clause of the preceding paragraph.

(3) When a licensee of power reactor operation has changed any matter listed in item (i), (vi) or (vii) of Article 43-3-5 (2), except the case prescribed in Article 43-3-19 (1), he/she shall notify the Nuclear Regulation Authority of the change within thirty days from the day that the change was made. The same shall apply to a change made to, from among the matters listed in item (iv) of said paragraph, only the name of the factory or place of activity.

(4) When a licensee of power reactor operation intends to make a change to, from among the matters listed in item (v) of Article 43-3-5 (2), only those that will clearly cause no hindrance to the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors (addition of new equipment of the same type that will not hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors, or other changes specified by the Ordinance of the NRA), he/she shall notify the Nuclear Regulation Authority of the details of the change, pursuant to the provisions of the Ordinance of the NRA. In this case, the licensee of power reactor operation who has made the notification shall not make the change pertaining to the notification until thirty

days have elapsed from the day that the notification was received.

(5) When the Nuclear Regulation Authority finds that the details of the change for which the notification was made pursuant to the provision of the first sentence of the preceding paragraph conform with all of the items of Article 43-3-6 (1), it may shorten the period prescribed in the second sentence of the preceding paragraph.

(6) When the Nuclear Regulation Authority finds that the details of the change for which the notification was made pursuant to the provision of the first sentence of paragraph (4) do not conform with any of the items of Article 43-3-6 (1), it may order the licensee of power reactor operation who has made the notification to amend the details of said notification or suspend the change, within thirty days from the day that it received the notification (within the extended period when the period prescribed in the second sentence of paragraph (4) has been extended pursuant to the provision of the following paragraph).

(7) When a considerable period of time is required for examining whether the details of the change for which the notification was made pursuant to the provision of the first sentence of paragraph (4) conform with all of the items of Article 43-3-6 (1) and there are justifiable grounds to admit that the examination will not be completed within the period prescribed in the second sentence of paragraph (4), the Nuclear Regulation Authority may extend said period to a period that it considers reasonable. In this case, the Nuclear Regulation Authority shall notify the licensee of power reactor operation who has made the notification of said extended period and the reason for said extension, without delay.

(8) When the Nuclear Regulation Authority finds that the change pertaining to an application for the permission set forth in the main clause of paragraph (1) is especially necessary for the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors, it may prioritize the examination for the permission set forth in the main clause of said paragraph with respect to said change over the examination for the permission set forth in the main clause of said paragraph with respect to other power reactor facilities.

(Approval of Plan for Construction Work)

Article 43-3-9

(1) Any licensee of power reactor operation who intends to carry out installation or modification of power reactor facilities (excluding installation or modification specified by the Ordinance of the NRA as being such that it will not hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors) shall, pursuant to the provisions of the Ordinance of the NRA, obtain the approval of the Nuclear Regulation Authority with respect to the plan for construction work before commencing said installation or modification; provided, however, that this shall not apply to unavoidable temporary construction work in the case that part of the power reactor facilities were lost or damaged or in the event of disasters or other emergencies.

(2) When a person who has obtained the approval set forth in the preceding paragraph intends to amend the approved plan for construction work, he/she shall obtain the approval of the Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to a minor amendment specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the application for the approval set forth in the two preceding paragraphs conforms with all of the following items, it shall grant the approval set forth in the two preceding paragraphs:

(i) That the plan for construction work is based on the permission obtained as set forth in Article 43-3-5 (1) or paragraph (1) of the preceding Article or on the notification made pursuant to the provision of paragraph (3) or the first sentence of paragraph (4) of said Article,

(ii) That the power reactor facilities conform with the technical standards set forth in Article 43-3-14,

(iii) That the person's quality control method pertaining to the design and construction and systems for their inspection conform with the technical standards specified by the Ordinance of the NRA.

(4) In the case set forth in the preceding paragraph, the specified equipment with certified type design prescribed in Article 43-3-31 (1) whose type has been designated pursuant to the provision of said paragraph shall be deemed to conform with the technical standards set forth in item (ii) of the preceding paragraph.

(5) When a licensee of power reactor operation carries out unavoidable temporary construction work pursuant to the provision of the proviso of paragraph (1), he/she shall notify the Nuclear Regulation Authority of the work, without delay after commencing it.

(6) When a person who has obtained the approval set forth in paragraph (1) intends to make a minor amendment specified by the Ordinance of the NRA to the plan for construction work pursuant to the provision of the proviso of paragraph (2), he/she shall notify the Nuclear Regulation Authority of the amended plan for construction work, without delay after amending the plan; provided, however, that this shall not apply to cases specified by the Ordinance of the NRA.

(Notification of Plan for Construction Work)

Article 43-3-10

(1) Any licensee of power reactor operation who intends to carry out installation or modification of power reactor facilities (limited to installation or modification specified by the Ordinance of the NRA set forth in paragraph (1) of the preceding Article) that is specified by the Ordinance of the NRA shall notify the Nuclear Regulation Authority of the plan for construction work, pursuant to the provisions of the Ordinance of the NRA. The same shall apply to an amendment to the plan for construction work (excluding a minor amendment specified by the Ordinance of the NRA).

(2) A person who has made the notification pursuant to the provision of the preceding paragraph shall not commence the construction work pertaining to the notification until thirty days have elapsed from the day that the notification was received.

(3) When the Nuclear Regulation Authority finds that the plan for construction work for which the notification was made pursuant to the provision of paragraph (1) conform with all of the items of paragraph (3) of the preceding Article, it may shorten the period prescribed in the preceding paragraph.

(4) When the Nuclear Regulation Authority finds that the plan for construction work for which the notification was made pursuant to the provision of paragraph (1) do not conform with any of the items of paragraph (3) of the preceding Article, it may order the person who has made the notification to amend the plan for construction work or abolish it, within thirty days from the day that it received the notification (within the extended period when the period prescribed in paragraph (2) has been extended pursuant to the provision of the following paragraph).

(5) When a considerable period of time is required for examining whether the plan for construction work for which the notification was made pursuant to the provision of paragraph (1) conforms with all of the items of paragraph (3) of the preceding Article and there are justifiable grounds to admit that the examination will not be completed within the period prescribed in paragraph (2), the Nuclear Regulation Authority may extend said period to a period that it considers reasonable. In this case, the Nuclear Regulation Authority shall notify the person who has made the notification of said extended period and the reason for said extension, without delay.

(6) In the case set forth in the three preceding paragraphs, specified equipment with certified type design prescribed in Article 43-3-31 (1) whose type has been designated pursuant to the provision of said paragraph shall be deemed to conform with the technical standards set forth in item (ii) of paragraph (3) of the preceding Article.

(Pre-service Inspection)

Article 43-3-11

(1) Any power reactor facilities installed or modified by obtaining the approval set forth in Article 43-3-9 (1) or (2), or power reactor facilities installed or modified by making the notification pursuant to the provision of paragraph (1) of the preceding Article (excluding facilities for which an order pursuant to the provision of paragraph (4) of said Article has been issued and for which the notification under the provision of paragraph (1) of said Article has not been made) shall be

inspected by the Nuclear Regulation Authority, regarding their construction work, pursuant to the provisions of the Ordinance of the NRA, and the licensee of power reactor operation shall not use them until after they have passed the inspection; provided, however, that this shall not apply to cases specified by the Ordinance of the NRA.

(2) Power reactor facilities shall be considered to have passed the inspection set forth in the preceding paragraph when they conform with both of the following items:

(i) That the construction work has been carried out in compliance with the plan for construction work for which the approval set forth in Article 43-3-9 (1) or (2) has been obtained (including a plan after a minor amendment specified by the Ordinance of the NRA set forth in the proviso of said paragraph) or with the plan for construction work for which the notification has been made pursuant to the provision of paragraph (1) of the preceding Article (including a plan after a minor amendment specified by the Ordinance of the NRA set forth in the second sentence of said paragraph),

(ii) That the power reactor facilities conform with the technical standards set forth in Article 43-3-14.

(Fuel Assembly Inspection)

Article 43-3-12

(1) Any nuclear fuel material to be used as fuel for power reactors (hereinafter referred to as the "fuel assembly" in this Article and Article 78) shall, pursuant to the provisions of the Ordinance of the NRA, be inspected by the Nuclear Regulation Authority, regarding its fabrication and enrichment by each process as specified by the Ordinance of the NRA, and the licensee of power reactor operation shall not use it until after it has passed the inspection; provided, however, that this shall not apply to the case prescribed in paragraph (4) and cases specified by the Ordinance of the NRA.

(2) Any person who intends to undergo the inspection set forth in the preceding paragraph shall obtain the approval of the Nuclear Regulation Authority regarding the design of the fuel assembly, pursuant to the provisions of the Ordinance of the NRA.

(3) Fuel assembly shall be considered to have passed the inspection set forth in paragraph (1) when it conforms with both of the following items:

(i) That its fabrication and enrichment is carried out in compliance with the design for which the approval set forth in the preceding paragraph has been obtained,

(ii) That the fuel assembly conforms with the technical standards specified by the Ordinance of the NRA.

(4) Any imported fuel assembly shall be inspected by the Nuclear Regulation Authority and the licensee of power reactor operation shall not use it until after it has passed the inspection.

(5) Fuel assembly shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standards set forth in item (ii) of paragraph (3).

(Welding Safety Management Inspection)

Article 43-3-13

(1) Any licensee of power reactor operation who installs reactor containers pertaining to power reactors and other power reactor facilities specified by the Ordinance of the NRA (hereinafter referred to as "reactor containers, etc." in this paragraph) that are to be welded, or reactor containers, etc. involving welding that have been imported shall, pursuant to the provisions of the Ordinance of the NRA, carry out a self-inspection regarding the welding before commencing the use of the reactor containers, etc., and shall record and preserve the results thereof; provided, however, that this shall not apply to cases specified by the Ordinance of the NRA.

(2) In the inspection set forth in the preceding paragraph (hereinafter referred to as a "self-inspection on welding" in this Article and Article 43-3-24), it shall be confirmed that the welding conforms with the technical standards set forth in the following Article.

(3) Any licensee of power reactor operation who carries out a self-inspection on welding shall, pursuant to the provisions of the Ordinance of the NRA, undergo the examination by the Nuclear Regulation Authority regarding his/her system for carrying out the self-inspection on welding at a

time specified by the Ordinance of the NRA (when he/she has been given the notification set forth in paragraph (6), at a time specified by the Ordinance of the NRA in accordance with the results of the past evaluation of the self-inspection on welding pertaining to said notification).

(4) The examination set forth in the preceding paragraph shall be conducted, in accordance with the principle of ensuring safety management for power reactor facilities, with respect to the organization in charge of a self-inspection on welding, inspection methods, process control, and other matters specified by the Ordinance of the NRA.

(5) The Nuclear Regulation Authority shall, based on the results of the examination set forth in paragraph (3), comprehensively evaluate the system of the licensee of power reactor operation for carrying out a self-inspection on welding.

(6) The Nuclear Regulation Authority shall notify the person who has undergone the examination set forth in paragraph (3) of the results of said examination and the evaluation set forth in the preceding paragraph.

(Maintenance of Power Reactor Facilities)

Article 43-3-14

Any licensee of power reactor operation shall maintain his/her power reactor facilities so that they conform with the technical standards specified by the Ordinance of the NRA; provided, however, that this shall not apply to power reactors for which the approval set forth in Article 43-3-33 (2) has been obtained, unless otherwise specified by the Ordinance of the NRA.

(Periodic Facility Inspection)

Article 43-3-15

(1) Any person who installs specified significant power reactor facilities (power reactor facilities other than those specified by the Ordinance of the NRA as being such that they will not particularly hinder the prevention of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors; hereinafter the same shall apply in this Article) shall, pursuant to the provisions of the Ordinance of the NRA, undergo an inspection by the Nuclear Regulation Authority regarding such facilities at each timing specified by the Ordinance of the NRA; provided, however, that this shall not apply to the case that the approval set forth in Article 43-3-33 (2) has been obtained, or unless otherwise specified by the Ordinance of the NRA.

(Periodic Safety Management Inspection)

Article 43-3-16

(1) Any person who installs specified power reactor facilities (power reactors used for power generation, containers to store such reactors, or other power reactor facilities that are specified by the Ordinance of the NRA; hereinafter the same shall apply in this Article) shall, pursuant to the provisions of the Ordinance of the NRA, carry out a periodic self-inspection regarding said specified power reactor facilities, and shall record and preserve the results thereof; provided, however, that this shall not apply to power reactors for which the approval set forth in Article 43-3-33 (2) has been obtained, unless otherwise specified by the Ordinance of the NRA.

(2) In the inspection set forth in the preceding paragraph (hereinafter referred to as a "periodic self-inspection" in this Article and Article 43-3-24), it shall be confirmed that the specified power reactor facilities conform with the technical standards set forth in Article 43-3-14.

(3) When a person who installs specified power reactor facilities for which he/she carries out a periodic self-inspection finds, at the time of the periodic self-inspection, any part in the specified power reactor facilities specified by the Ordinance of the NRA that is likely to cease to conform with the technical standards set forth in Article 43-3-14 after the elapse of a certain period of time, he/she shall, pursuant to the provisions of the Ordinance of the NRA, evaluate the time when said part is expected to cease to conform with the technical standards set forth in said Article and other matters specified by the Ordinance of the NRA, and record and preserve the results thereof, and at the same time, shall make a report concerning the matters specified by the Ordinance of the NRA to the Nuclear Regulation Authority.

(4) A person who installs specified power reactor facilities for which he/she carries out a periodic self-inspection shall, pursuant to the provisions of the Ordinance of the NRA, undergo the examination by the Nuclear Regulation Authority regarding his/her system for carrying out the periodic self-inspection at a time specified by the Ordinance of the NRA; provided, however, that this shall not apply to power reactors for which the approval set forth in Article 43-3-33 (2) has been obtained, unless otherwise specified by the Ordinance of the NRA.

(5) The examination set forth in the preceding paragraph shall be conducted, in accordance with the principle of ensuring safety management for power reactor facilities, with respect to the organization in charge of a periodic self-inspection, inspection methods, process control, and other matters specified by the Ordinance of the NRA.

(6) The provisions of Article 43-3-13 (5) and (6) shall apply mutatis mutandis to the examination set forth in paragraph (4). In this case, the term "paragraph (3)" in paragraphs (5) and (6) of said Article shall be deemed to be replaced with "Article 43-3-16 (4)."

(Operation Plan)

Article 43-3-17

Any licensee of power reactor operation shall, pursuant to the Ordinance of the NRA, create an operation plan for the power reactors pertaining to their installation and notify the Nuclear Regulation Authority of the plan. The same shall apply when amendments are made to such plans; provided, however, that this shall not apply to the power reactors for which the approval set forth in Article 43-3-33 (2) has been obtained.

(Merger and Split)

Article 43-3-18

(1) In the case of a merger of juridical persons who are licensees of power reactor operation (except in the case of a merger of a juridical person who is a licensee of power reactor operation and a juridical person who is not a licensee of power reactor operation, and where the juridical person who is the licensee of power reactor operation continues to exist) or in the case of a split of juridical persons who are licensees of power reactor operation (limited to the case that the entirety of the power reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material pertaining to the permission is to be succeeded to), when the approval of the Nuclear Regulation Authority has been obtained for the merger or the split, the juridical person who is to continue to exist after the merger, the juridical person who has been established by the merger, or the juridical person who has succeeded to the entirety of said power reactor facilities, nuclear fuel material, and material contaminated by nuclear fuel material after the split, shall succeed to the status of the licensee of power reactor operation.

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

(Inheritance)

Article 43-3-19

(1) In the case of an inheritance with regard to a licensee of power reactor operation, the inheritor shall succeed to the status of the licensee of power reactor operation.

(2) The inheritor who has succeeded to the status of the licensee of power reactor operation pursuant to the provision of the preceding paragraph shall notify the Nuclear Regulation Authority of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of the Permission)

Article 43-3-20

(1) When a licensee of power reactor operation fails to commence operation of his/her power reactors within the period specified by the Ordinance of the NRA, or suspends operation for more than one year continuously, without justifiable grounds, the Nuclear Regulation Authority may rescind the permission set forth in Article 43-3-5 (1).

(2) When a licensee of power reactor operation falls under any of the following items, the Nuclear Regulation Authority may rescind the permission set forth in Article 43-3-5 (1), or specify a period not exceeding one year and order suspension of operation for that period:

- (i) When a licensee of power reactor operation falls under any of items (ii) to (iv) of Article 43-3-7,
- (ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of the main clause of Article 43-3-8 (1), without obtaining the permission,
- (iii) When he/she has violated the provision of the second sentence of Article 43-3-8 (4), or has violated an order pursuant to the provision of paragraph (6) of said Article,
- (iv) When he/she has violated an order pursuant to the provision of Article 43-3-23,
- (v) When he/she has violated the provision of Article 43-3-24 (1) or (4), or has violated 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 43 as applied mutatis mutandis pursuant to Article 43-3-26 (2),
- (vii) When he/she has violated the provision of Article 43-3-27 (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 43-3-27 (2),
- (ix) When he/she has violated the provision of Article 12-2 (4) as applied mutatis mutandis pursuant to Article 43-3-27 (2),
- (x) When he/she has violated the provision of Article 43-3-28 (1),
- (xi) When he/she has violated an order pursuant to the provision of Article 12-5 as applied mutatis mutandis pursuant to Article 43-3-28 (2),
- (xii) When he/she has operated a power reactor after the end of the extended period prescribed in Article 43-3-32 (2),
- (xiii) When he/she has operated a power reactor after the end of the period during which he/she is allowed to operate it as prescribed in Article 43-3-32 (1), in violation of the provision of paragraph (4) of said Article,
- (xiv) When he/she has abolished a power reactor in violation of the provision of Article 43-3-33 (1),
- (xv) When he/she has violated the provision of Article 43-3-33 (2),
- (xvi) 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,
- (xvii) 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,
- (xviii) When he/she has violated the provision of Article 59-2 (2),
- (xix) 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,
- (xx) When he/she has violated the conditions set forth in Article 62-2 (1) or (2),
- (xxi) When he/she has violated the provision of Article 6 of the Act on Compensation for Nuclear Damage,
- (xxii) When he/she has violated an order pursuant to the provision of Article 7 (4), Article 8 (5), Article 9 (7), Article 11 (6), or Article 13-2 (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 43-3-21

Pursuant to the provisions of the Ordinance of the NRA, the licensee of power reactor operation shall record the matters specified by the Ordinance of the NRA concerning the operation of the power reactors and the use of other power reactor facilities, and keep this record at the factory or place of activity.

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

Article 43-3-22

(1) Any licensee of power reactor operation shall, pursuant to the provisions of the Ordinance of

the NRA, take necessary operational safety measures concerning the following matters (including the matters concerning measures to be taken in the event of a severe accident):

- (i) Maintenance of the power reactor facilities,
 - (ii) Operation of the power reactors,
 - (iii) Shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material (regarding shipment and disposal, limited to that conducted in the premises of the factory or place of activity where the power reactor facilities have been installed; the same shall apply in paragraph (1) of the following Article).
- (2) Any licensee of power reactor operation who handles specified nuclear fuel material at a factory or place of activity where power reactor facilities have been installed shall, if specified by Cabinet Order, take physical protection measures pursuant to the provisions of the Ordinance of the NRA.

(Suspension, etc. of the Use of Facilities)

Article 43-3-23

(1) When the Nuclear Regulation Authority finds that any of the location, structure or equipment of the power reactor facilities does not conform with the standards set forth in item (iv) of Article 43-3-6 (1), that the power reactor facilities do not conform with the technical standards set forth in Article 43-3-14, or that the measures pertaining to the maintenance of the power reactor facilities, the operation of the power reactors, or the shipment, storage or disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (1) of the preceding Article, it may order the relevant licensee of power reactor operation to suspend use, remodel, repair or change the location of the power reactor facilities, designate a method for operating the power reactors or order the necessary operational safety measures to be taken.

(2) When the Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (2) of the preceding Article, it may order the relevant licensee of power reactor operation to take corrective measures, etc.

(Operational Safety Programs)

Article 43-3-24

(1) Any licensee of power reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, specify operational safety programs (including rules concerning education on safety related to the operation of the power reactors, self-inspections on welding, and periodic self-inspections; hereinafter the same shall apply in this Article) before commencing the operation of the power reactors and obtain the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority finds that the operational safety programs need to be amended for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or power reactors, it may order the relevant licensee of power reactor operation to amend the operational safety programs.

(4) Any licensee of power reactor operation and his/her employees must observe the operational safety programs.

(5) Any licensee of power reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision set forth in the preceding paragraph (excluding the system for carrying out a self-inspection on welding and other matters specified by the Ordinance of the NRA, and the system for carrying out a periodic self-inspection and other matters specified by the Ordinance of the NRA).

(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 "the preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 43-3-24 (5)."

(Reception, etc. of Power Reactors)

Article 43-3-25

(1) Any person who intends to receive power reactors or entire facilities that include power reactors from a licensee of power reactor operation shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order.

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

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

(Chief Engineer of Power Reactors)

Article 43-3-26

(1) Any licensee of power reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, appoint a chief engineer of power reactors from among the persons who are licensed chief engineers of reactors as set forth in Article 41 (1) and have work experience specified by the Ordinance of the NRA, and have this person supervise safety concerning the operation of power reactors.

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

(Physical Protection Programs)

Article 43-3-27

(1) In the case where prescribed in the provision of Article 43-3-22 (2), the licensee of power reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection programs 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. In this case, the term "the preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 43-3-27 (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 power reactor operation."

(Physical Protection Manager)

Article 43-3-28

(1) In the case prescribed in the provision of Article 43-3-22 (2), the licensee of power reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager, from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling of specified nuclear fuel material, etc., and have this physical protection manager manage the business 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

power reactor operation" and the term "refining facilities" shall be deemed to be replaced with "power reactor facilities."

(Evaluation for the Purpose of Improving the Safety of Power Reactor Facilities)

Article 43-3-29

(1) The licensee of power reactor operation shall, pursuant to the provisions of the Ordinance of the NRA, conduct self-evaluation of the safety of his/her power reactor facilities at each timing specified by the Ordinance of the NRA for the purpose of improving the safety of the power reactor facilities; provided, however, that this shall not apply to power reactors when the approval set forth in Article 43-3-33 (2) has been obtained, unless otherwise specified by the Ordinance of the NRA.

(2) The evaluation set forth in the preceding paragraph shall be conducted by investigating and analyzing the matters listed below and making a comprehensive evaluation of the safety of said power reactor facilities as a whole, while taking into consideration the results of the investigation and analysis:

(i) When having taken the following measures for the purpose of preventing the occurrence and expansion of any possible severe accidents at power reactor facilities (hereinafter referred to as "prevention, etc. of accidents" in this item), said measures and the matters concerning the effects of the measures for the prevention, etc. of accidents:

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

(b) Develop a system for steadily taking measures for the prevention, etc. of accidents, such as through increasing personnel for ensuring operational safety and enhancing education on operational safety,

(ii) When there remains a possibility to lead to a severe accident in spite of having taken the measures listed in (a) and (b) of the preceding item, the matters concerning said possibility.

(3) When a licensee of power reactor operation has conducted self-evaluation set forth in paragraph (1), he/she shall notify the Nuclear Regulation Authority of the results of the self-evaluation, methods of investigation, analysis, and comprehensive evaluation for said self-evaluation, and the matters specified by the Ordinance of the NRA (referred to as the "results of the evaluation, etc." in paragraph (5)), pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to power reactors when the approval set forth in Article 43-3-33 (2) has been obtained, unless otherwise specified by the Ordinance of the NRA.

(4) When the Nuclear Regulation Authority finds that methods of investigation, analysis, and comprehensive evaluation for said self-evaluation, out of the matters it was notified of pursuant to the provision of the preceding paragraph, do not conform with the methods specified by the Ordinance of the NRA, it may order the licensee of power reactor operation who has made the notification to change the methods of investigation, analysis, or comprehensive evaluation.

(5) When a licensee of power reactor operation has made a notification pursuant to the provision of paragraph (3), he/she shall publicize the results of the evaluation, etc. that he/she made a notification of, pursuant to the provisions of the Ordinance of the NRA.

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

Article 43-3-30

(1) The Nuclear Regulation Authority shall, upon application, grant type certification for type design of containment vessels, emergency power systems, and other machines or appliances for power reactor facilities that are specified by the Ordinance of the NRA (hereinafter referred to as "specified equipment").

(2) When the application set forth in the preceding paragraph is made, if the Nuclear Regulation Authority finds that the type design of the specified equipment for which said application is made conforms with the standards set forth in item (iv) of Article 43-3-6 (1) (limited to the portion pertaining to the technical standards; hereinafter the same shall apply in this Article), it shall grant the type certification set forth in the preceding paragraph.

(3) When a person who has obtained type certification for his/her type design intends to change the design of specified equipment of said type, he/she shall obtain the approval of the Nuclear Regulation Authority. The same shall apply in the case that the standards set forth in item (iv) of Article 43-3-6 (1) have been amended and the specified equipment of the type certified for its type design has ceased to conform with the standards set forth in said item.

(4) When the application for the approval set forth in the preceding paragraph is made, the Nuclear Regulation Authority shall examine whether the design for which said application is made conforms with the standards set forth in item (iv) of Article 43-3-6 (1) and if it finds that said design conforms with said standards, it shall grant the approval.

(5) When the specified equipment of the type certified for its type design has ceased to conform with the standards set forth in item (iv) of Article 43-3-6 (1), the Nuclear Regulation Authority may rescind said type certification.

(6) Procedures for granting the certification set forth in paragraph (1) and any other necessary matters pertaining to type certification shall be specified by the Ordinance of the NRA.

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

Article 43-3-31

(1) For the purpose of improving the safety of power reactor facilities, the Nuclear Regulation Authority shall, upon application, designate the specified equipment with the design certified for its type as set forth in paragraph (1) of the preceding Article (hereinafter referred to as "specified equipment with certified type design") for its type.

(2) The application for the designation set forth in the preceding paragraph may also be made by a person who manufactures said specified equipment with certified type design on a regular basis in foreign countries, or a person who has concluded an agreement to purchase said specified equipment with certified type design from said person and who exports said specified equipment with certified type design to Japan on a regular basis.

(3) The designation set forth in paragraph (1) shall be made based on a judgment of whether said specified equipment with certified type design for which an application is made falls under all of the following items:

(i) That the equipment is based on the design certified for its type as set forth in paragraph (1) of the preceding Article,

(ii) That the equipment conforms with the technical standards set forth in Article 43-3-14,

(iii) That the equipment demonstrates uniformity.

(4) The designation set forth in paragraph (1) may be made by limiting the scope in which said specified equipment with certified type design may be used or by attaching conditions.

(5) When the Nuclear Regulation Authority finds that the specified equipment with certified type design designated for its type has ceased to fall under any of the items of paragraph (3), it may rescind the designation.

(6) In addition to the case prescribed in the preceding paragraph, when a designated equipment manufacturer, etc. in foreign countries (the person prescribed in paragraph (2) who has obtained the designation set forth in paragraph (1) for the type of specified equipment with certified type design that he/she manufactures or exports; hereinafter the same shall apply in this paragraph) falls under any of the following items, the Nuclear Regulation Authority may rescind the designation set forth in paragraph (1) for said designated equipment manufacturer, etc. in foreign countries:

(i) When the designated equipment manufacturer, etc. in foreign countries has violated the provisions of the Ordinance of the NRA based on the provision of the following paragraph,

(ii) In the case that the Nuclear Regulation Authority finds it necessary for enforcing this Act and has requested the designated equipment manufacturer, etc. in foreign countries to make a report on his/her business, when he/she has not made the report or has made a false report,

(iii) In the case that the Nuclear Regulation Authority finds it necessary for enforcing this Act and has intended to have its official inspect the specified equipment with certified type design designated for its type, books, documents and any other property, and question the people concerned, at the office or other places of activity of the designated equipment manufacturer, etc.

in foreign countries, or at any other place where said specified equipment with certified type design is found to be located, when the relevant person has refused, obstructed or challenged the inspection, or has not given a statement or has given a false statement in response to a question. (7) Procedures for making the designation set forth in paragraph (1) and any other necessary matters pertaining to type designation shall be specified by the Ordinance of the NRA.

(Operation Period, etc.)

Article 43-3-32

(1) The period during which a licensee of power reactor operation may operate a power reactor that he/she has installed shall be forty years from the day on which construction work for installing said power reactor has passed the inspection set forth in Article 43-3-11 (1) for the first time.

(2) The period set forth in the preceding paragraph may be extended only once upon the expiration thereof by obtaining the approval of the Nuclear Regulation Authority.

(3) The period to be extended pursuant to the provision of the preceding paragraph shall not exceed the period specified by Cabinet Order as not exceeding 20 years.

(4) Any licensee of power reactor operation who intends to obtain the approval set forth in paragraph (2) shall make an application for the approval to the Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA.

(5) The Nuclear Regulation Authority may grant the approval set forth in the preceding paragraph, only in the case that it finds, in light of the status of deterioration of the reactor and any other equipment as a result of their long-term operation, that the power reactor for which the application for the approval set forth in said paragraph is made conforms with the standards specified by the Ordinance of the NRA as the standards for ensuring the safety during the period to be extended pursuant to the provision of paragraph (2).

(Measures Associated with Abolition of Power Reactors)

Article 43-3-33

(1) When the licensee of power reactor operation intends to abolish his/her power reactors, he/she shall dismantle the power 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 by the Ordinance of the NRA (hereinafter referred to as "decommissioning measures" in this Article and the following Article).

(2) When the licensee of power reactor operation 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 provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.

(3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning measures of the licensee of power reactor operation. In this case, the term "the preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 43-3-33 (2)"; the term "the two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 43-3-33 (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 43-3-33 (2)"; the term "or material contaminated by nuclear fuel material" in paragraph (7) of said Article shall be deemed to be replaced with ", material contaminated by nuclear fuel material, or power reactors"; and the term "the designation set forth in 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 43-3-5 (1) shall cease to be effective with respect to power reactors pertaining to the approval set forth in Article 43-3-33 (2)."

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

Article 43-3-34

(1) When any licensee of power reactor operation has had his/her permission rescinded pursuant

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

(2) Pursuant to the provisions of the Ordinance of the NRA, the former licensee of power reactor operation, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA from the date that his/her permission as a licensee of power reactor operation was rescinded pursuant to the provision of Article 43-3-20 (1) or (2), or the date of dissolution or death of the licensee of power reactor operation.

(3) The former licensee of power reactor operation, 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 the former licensee of power reactor operation, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to the former licensee of power reactor operation, etc. In this case, the term "paragraph (2)" in these provisions shall be deemed to be replaced with "Article 43-3-34 (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 43-3-33 (3)"; the term "or material contaminated by nuclear fuel material" in paragraph (8) of said Article shall be deemed to be replaced with ", material contaminated by nuclear fuel material, or power reactors"; the term "paragraph (8) of the preceding Article" in paragraph (9) of said Article shall be deemed to be replaced with "paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to Article 43-3-33 (3)"; the term "paragraph (1)" in Article 22-9 (4) shall be deemed to be replaced with "Article 43-3-34 (1)," the term "as the licensee of fabricating or enrichment activity" shall be deemed to be replaced with "as the licensee of power reactor operation," and the term "Article 16-4-2, Article 16-5, and Article 22-7-2" shall be deemed to be replaced with "Articles 43-3-14 to 43-3-16 and Article 43-3-29."

Chapter IV-2 Regulations Concerning the Interim Storage Activities

(Permission for the Activity)

Article 43-4

(1) Any person who intends to carry out an activity for interim storage of spent fuel (limited to spent fuel pertaining to commercial power reactors (power reactors other than the reactors specified by the Cabinet Order set forth in Article 2 (5)) or any other reactors specified by Cabinet Order as reactors that are, as a result of their operation, likely to generate spent fuel exceeding the storage capacity of storage equipment inside the power reactor facilities; hereinafter the same shall apply in this Chapter, Article 60 (1), item (vi)-5 of Article 77 and item (xvi)-2 of Article 78) (limited to storage carried out by a licensee of research and test reactor operation, operator of a foreign nuclear vessel, licensee of power reactor operation, person who has obtained the designation set forth in Article 44 (1), or person who has obtained the permission set forth in Article 52 (1) at storage facilities with a storage capacity not less than that specified by Cabinet Order, with the exception of storage carried out by such person at research and test reactor facilities, power reactor facilities, reprocessing facilities prescribed in item (ii) of Article 44 (2) and storage facilities prescribed in item (viii) of Article 52 (2) associated with usage facilities prescribed in item (vii) of said paragraph (hereinafter referred to as "spent fuel interim storage

facilities"); hereinafter such interim storage of spent fuel shall be simply referred to as "interim storage of spent fuel") shall obtain the permission of the Nuclear Regulation Authority pursuant to the provisions of 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 Nuclear Regulation Authority:

- (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,
- (vi) The method for carrying out the spent fuel after termination of storage.

(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 Nuclear Regulation Authority shall not grant the permission set forth in said paragraph unless it finds that the application conforms with all of the following items:

- (i) That spent fuel interim storage facilities will not be used for non-peaceful purposes,
- (ii) That the applicant has sufficient technical capability and financial basis for executing the activity competently,
- (iii) That the location, structure and equipment of the spent fuel interim storage facilities conform with the standards specified by the Ordinance of the NRA as 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 the case set forth in the preceding paragraph, the type design of specified container, etc. prescribed in Article 43-26-2 (1) that has obtained type certification pursuant to the provision of said paragraph shall be deemed to conform with the standards specified by the Ordinance of the NRA set forth in item (iii) of the preceding paragraph (limited to the portion pertaining to the technical standards).

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

(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,
- (iv) A juridical person any of whose executive officials falls under any of the three preceding items.

(Permission for and Notification of Changes)

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 change any matter listed

in items (ii) to (iv), or item (vi) of paragraph (2) of said Article, he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order; provided, however, that this shall not apply to a change made to, 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 changed any matter listed in item (i) or (v) of Article 43-4 (2), except the case prescribed in Article 43-15 (1), he/she shall notify the Nuclear Regulation Authority of the change within thirty days from the day that the change was made. The same shall apply to a change 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 the Design and Construction Method)

Article 43-8

(1) Any licensee of spent fuel interim storage activity shall, pursuant to the provisions of the Ordinance of the NRA, obtain the approval of the Nuclear Regulation Authority 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 prescribed 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 apply when making modifications to the spent fuel interim storage facilities.

(2) When any licensee of spent fuel interim storage activity intends to change 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 the approval of the Nuclear Regulation Authority as set forth in the Ordinance of the NRA; provided, however, that this shall not apply to a minor change specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the application for the approval set forth in the two preceding paragraphs conform with all of the following items, it shall grant the approval set forth in the two preceding paragraphs:

(i) That the design and construction method of the spent fuel interim storage facilities are permitted as set forth in Article 43-4 (1) or paragraph (1) of the preceding Article, or as notified pursuant to the provision of paragraph (2) of said Article,

(ii) That the design and construction method of the spent fuel interim storage facilities conform with the technical standards specified by the Ordinance of the NRA.

(iii) That the person's quality control method pertaining to the design and construction and systems for their inspection conform with the technical standards specified by the Ordinance of the NRA.

(4) In the case set forth in the preceding paragraph, the specified container, etc. with certified type design prescribed in Article 43-26-3 (1) whose type has been designated pursuant to the provision of said paragraph shall be deemed to conform with the technical standards set forth in item (ii) of the preceding paragraph.

(5) When any licensee of spent fuel interim storage activity has made a minor change to the design and construction method, as specified by the Ordinance of the NRA 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 Nuclear Regulation Authority 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 prescribed 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 Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, and shall not use

the spent fuel interim storage facilities until after they have passed the inspection. The same shall apply when making modifications to the spent fuel interim storage facilities.

(2) Spent fuel interim storage facilities shall be considered to have passed the inspection set forth in the preceding paragraph when they conform with both 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 (the changed design and method in the case that there has been the approval or notification regarding a change pursuant to the provision of paragraph (2) or (5) of said Article) has been obtained,
- (ii) That their performance conforms with the technical standards set forth in Article 43-10-2.

(Welding Method and Inspection)

Article 43-10

(1) Any containers used for interim storage of spent fuel and any other spent fuel interim storage facilities specified by the Ordinance of the NRA that are to be welded shall be inspected by the Nuclear Regulation Authority with respect to the welding, pursuant to the provisions of the Ordinance of the NRA, 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 prescribed in paragraph (4) and cases specified by the Ordinance of the NRA.

(2) A person who intends to undergo the inspection set forth in the preceding paragraph shall obtain the approval of the Nuclear Regulation Authority concerning the method of welding, pursuant to the provisions of the Ordinance of the NRA.

(3) Welding shall be considered to have passed the inspection set forth in paragraph (1) when it conforms with both of the following items:

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

(4) Spent fuel interim storage facilities involving the welding prescribed in paragraph (1) that have been imported shall be inspected by the Nuclear Regulation Authority concerning the welding pursuant to the provisions of the Ordinance of the NRA, 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) Welding shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standards set forth in item (ii) of paragraph (3).

(Maintenance of Performance of Spent Fuel Interim Storage Facilities)

Article 43-10-2

Any licensee of spent fuel interim storage activity shall maintain his/her spent fuel interim storage facilities, so that the performance of the spent fuel interim storage facilities conforms with the technical standards specified by the Ordinance of the NRA; provided, however, that this shall not apply to the case where the approval set forth in Article 43-27 (2) has been obtained (except for the cases specified by the Ordinance of the NRA).

(Periodic Facility Inspection)

Article 43-11

(1) Any licensee of spent fuel interim storage activity shall, pursuant to the provisions of the Ordinance of the NRA, undergo an inspection conducted at intervals of not less than one year as specified by the Ordinance of the NRA by the Nuclear Regulation Authority 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 (except for the cases specified by the Ordinance of the NRA).

(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 set forth in the preceding Article.

(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 Nuclear Regulation Authority within fifteen days from the day concerned.

(Storage Plan)

Article 43-13

Any licensee of spent fuel interim storage activity shall, pursuant to the provisions of the Ordinance of the NRA, create a storage plan for the spent fuel interim storage facilities, and notify the Nuclear Regulation Authority 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 43-27 (2) has been obtained.

(Merger and Split)

Article 43-14

(1) In the case of a merger of juridical persons who are licensees 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) or in the case of a split of juridical persons who are licensees of spent fuel interim storage activity (limited to the case that the entirety of the spent fuel interim storage activity pertaining to the permission is to be succeeded to), when the approval of the Nuclear Regulation Authority has been obtained for the merger or the split, the juridical person who is to continue to exist after the merger, the juridical person who has been established by the merger, or the juridical person who has succeeded to the entirety of the spent fuel interim storage activity after the split shall succeed to the status of the licensee of spent fuel interim storage activity.

(2) The provisions of items (i) and (ii) of Article 43-5 (1), paragraph (3) 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 to the status of the licensee of spent fuel interim storage activity.

(2) The inheritor who has succeeded to the status of the licensee of spent fuel interim storage activity pursuant to the provision of the preceding paragraph shall notify the Nuclear Regulation Authority of the inheritance within thirty days from the day of the inheritance, with documents to prove the inheritance.

(Rescission, etc. of the Permission)

Article 43-16

(1) When a licensee of spent fuel interim storage activity fails to commence his/her activity within the period specified by the Ordinance of the NRA, or suspends his/her activity for more than one year continuously, without justifiable grounds, the Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 any of items (ii) to (iv) of Article 43-6,

(ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of Article 43-7 (1), without obtaining the 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 has violated 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 interim storage of 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 set forth in 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 the provision of Article 7 (4), Article 8 (5), Article 9 (7), Article 11 (6), or Article 13-2 (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 43-17

Pursuant to the provisions of the Ordinance of the NRA, the licensee of spent fuel interim storage activity shall record the matters specified by the Ordinance of the NRA concerning the execution of the activity of interim storage of spent fuel, and keep this record at the place of activity.

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

Article 43-18

(1) Any licensee of spent fuel interim storage activity shall, pursuant to the provisions of the Ordinance of the NRA, 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,
- (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 said paragraph).

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

(Suspension, etc. of the Use of Facilities)

Article 43-19

(1) When the Nuclear Regulation Authority finds that any of the location, structure or equipment of the spent fuel interim storage facilities does not conform with the standards set forth in item (iii) of Article 43-5 (1), that the performance of the spent fuel interim storage facilities does not conform with the technical standards set forth in Article 43-10-2, 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 provisions of the Ordinance of the NRA pursuant to the provision of paragraph (1) of the preceding Article, it may order the relevant 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 operational safety measures to be taken.

(2) When the Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (2) of the preceding Article, it may order the relevant 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 provisions of the Ordinance of the NRA, 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 his/her activity, and obtain the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority finds that the operational safety programs are not sufficient for preventing disasters resulting from spent fuel or material contaminated by spent fuel, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority finds that the operational safety programs need to be amended for preventing disasters resulting from spent fuel or material contaminated by spent fuel, it may order the relevant 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 provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of 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 "the preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 43-20 (5)."

Article 43-21

Deletion [Act No. 44 of May 2005]

(Chief Engineer of Spent Fuel)

Article 43-22

(1) Any licensee of spent fuel interim storage activity shall, pursuant to the provisions of the Ordinance of the NRA, 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 the NRA, and have this person supervise safety concerning the handling 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 Nuclear Regulation Authority 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 storage of spent fuel in good faith.

(2) Any person who is engaged in the handling of spent fuel in the activity of interim storage of 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 Nuclear Regulation Authority may order the relevant licensee of spent fuel interim storage activity to dismiss the chief engineer of spent fuel.

(Physical Protection Programs)

Article 43-25

(1) In the case prescribed in the provision of Article 43-18 (2), the licensee of spent fuel interim storage activity shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection programs 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 "the 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 prescribed in the provision of Article 43-18 (2), the licensee of spent fuel interim storage activity shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager, from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling 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 spent fuel interim storage activity" and the term "refining facilities" shall be deemed to be replaced with "spent fuel interim storage facilities."

(Type Certification for Design of Specified Container, etc. for Spent Fuel Interim Storage Facilities)

Article 43-26-2

(1) The Nuclear Regulation Authority shall, upon application, grant type certification for type design of containers used for interim storage of spent fuel and other appliances for spent fuel interim storage facilities that are specified by the Ordinance of the NRA (hereinafter referred to as "specified container, etc.").

(2) When the application set forth in the preceding paragraph is made, if the Nuclear Regulation Authority finds that the type design of the specified container, etc. for which said application is made conforms with the standards set forth in item (iii) of Article 43-5 (1) (limited to the portion pertaining to the technical standards; hereinafter the same shall apply in this Article), it shall grant the type certification set forth in the preceding paragraph.

(3) When a person who has obtained type certification for his/her type design intends to change the design of the specified container, etc. of said type, he/she shall obtain the approval of the Nuclear Regulation Authority. The same shall apply in the case that the standards set forth in item (iii) of Article 43-5 (1) have been amended and the specified container, etc. of the type certified for its type design has ceased to conform with the standards set forth in said item.

(4) When the application for the approval set forth in the preceding paragraph is made, the Nuclear Regulation Authority shall examine whether the design for which said application is made conforms with the standards set forth in item (iii) of Article 43-5 (1) and if it finds that said design conforms with said standards, it shall grant the approval.

(5) When the specified container, etc. of the type certified for its type design has ceased to conform with the standards set forth in item (iii) of Article 43-5 (1), the Nuclear Regulation Authority may rescind said type certification.

(6) Procedures for granting the certification set forth in paragraph (1) and any other necessary matters pertaining to type certification shall be specified by the Ordinance of the NRA.

(Designation of Type of Specified Container, etc. for Spent Fuel Interim Storage Facilities)

Article 43-26-3

(1) For the purpose of improving the safety of spent fuel interim storage facilities, the Nuclear Regulation Authority shall, upon application, designate the specified container, etc. with the design certified for its type as set forth in paragraph (1) of the preceding Article (hereinafter referred to as "specified container, etc. with certified type design") for its type.

(2) The application for the designation set forth in the preceding paragraph may also be made by a person who manufactures said specified container, etc. with certified type design on a regular basis in foreign countries, or a person who has concluded an agreement to purchase said specified container, etc. with certified type design from said person and who exports said specified container, etc. with certified type design to Japan on a regular basis.

(3) The designation set forth in paragraph (1) shall be made based on a judgment of whether said specified container, etc. with certified type design for which an application is made falls under all of the following items:

(i) That the container, etc. is based on the design certified for its type as set forth in paragraph (1) of the preceding Article,

(ii) That the container, etc. conforms with the technical standards set forth in item (ii) of Article 43-8, (3),

(iii) That the container, etc. demonstrates uniformity.

(4) The designation set forth in paragraph (1) may be made by limiting the scope in which said specified container, etc. with certified type design may be used or by attaching conditions.

(5) When the Nuclear Regulation Authority finds that the specified container, etc. with certified type design designated for its type has ceased to fall under any of the items of paragraph (3), it may rescind the designation.

(6) In addition to the case prescribed in the preceding paragraph, when a designated container manufacturer, etc. in foreign countries (the person prescribed in paragraph (2) who has obtained the designation set forth in paragraph (1) for the type of specified container, etc. that he/she manufactures or exports; hereinafter the same shall apply in this paragraph) falls under any of the following items, the Nuclear Regulation Authority may rescind the designation set forth in paragraph (1) for said designated container manufacturer, etc. in foreign countries:

(i) When the designated container manufacturer, etc. in foreign countries has violated the provisions of the Ordinance of the NRA based on the provision of the following paragraph,

(ii) In the case that the Nuclear Regulation Authority finds it necessary for enforcing this Act and has requested the designated container manufacturer, etc. in foreign countries to make a report on his/her business, when he/she has not made the report or has made a false report,

(iii) In the case that the Nuclear Regulation Authority finds it necessary for enforcing this Act and has intended to have its official inspect the specified container, etc. designated for its type, books, documents and any other property, and question the people concerned, at the office or other places of activity of the designated container manufacturer, etc. in foreign countries, or at any other place where said specified container, etc. is found to be located, when the relevant person has

refused, obstructed or challenged the inspection, or has not given a statement or has given a false statement in response to a question.

(7) Procedures for making the designation set forth in paragraph (1) and any other necessary matters pertaining to type designation shall be specified by the Ordinance of the NRA.

(Measures Associated with Abolition 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 interim 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 by the Ordinance of the NRA (hereinafter referred to as "decommissioning measures" 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 a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.

(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 "the preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 43-27 (2)"; the term "the 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 Permission)

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 43-10-2, 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 prescribed in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the Ordinance of the NRA, the former licensee of spent fuel interim storage activity, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA 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 the former licensee of spent fuel interim storage activity, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to the 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 16-4-2, Article 16-5, and Article 22-7-2" shall be deemed to be replaced with "Article 43-10-2 and 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 Nuclear Regulation Authority, pursuant to the provisions of 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 Nuclear Regulation Authority:
 - (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 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,
 - (vi) The method for disposing of nuclear fuel material that has been separated from spent fuel.
 - (vii) The matters concerning the radiation management at the reprocessing facilities,
 - (viii) The matters concerning the development of facilities and systems necessary for taking responses in the event that nuclear fuel material has fallen into a critical state or other accidents have occurred at the reprocessing facilities.

(Criteria for Designation)

Article 44-2

- (1) In the case that an application for the designation set forth in paragraph (1) of the preceding Article is made, the Nuclear Regulation Authority shall not grant the designation in said paragraph unless it finds that the application conforms with all of the following items:
 - (i) That reprocessing facilities will not be utilized for non-peaceful purposes,
 - (ii) That the applicant has the technical capability required for taking measures necessary for preventing the occurrence and expansion of a severe accident (an accident where nuclear fuel material has fallen into a critical state or other severe accidents specified by the Ordinance of the NRA; the same shall apply in Article 48 (1) and item (ii) of Article 50-4-2 (2)) and has other technical capability sufficient for carrying out the reprocessing activity competently,
 - (iii) That the applicant has sufficient financial basis for executing the activity competently,
 - (iv) That the location, structure and equipment of the reprocessing facilities conform with the standards specified by the Ordinance of the NRA as 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 Nuclear Regulation Authority shall hear, in advance, the opinion of the Atomic Energy Commission with respect to the application of the criteria prescribed in item (i) of the preceding paragraph.

(Ineligibility for the Designation)

Article 44-3

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,
- (iv) A juridical person any of whose executive officials falls under any of the three preceding items.

(Permission for and Notification of Changes)

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 change any matter listed in items (ii) to (iv), or items (vi) to (viii) of paragraph (2) of said Article, he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order; provided, however, that this shall not apply to a change made to, from among the matters listed in item (ii) of said paragraph, only the name of the factory or place of activity.

(2) When a licensee of reprocessing activity has changed any matter listed in item (i) or (v) of Article 44 (2), except the case prescribed in Article 46-6 (1), he/she shall notify the Nuclear Regulation Authority of the change within thirty days from the day that the change was made. The same shall apply to a change made to, from among the matters listed in item (ii) of said paragraph, only the name of the factory or 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 provisions of the Ordinance of the NRA, obtain the approval of the Nuclear Regulation Authority with respect to the design and construction method of the reprocessing facilities (except for welding methods pertaining to reprocessing facilities prescribed 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 apply when making modifications to the reprocessing facilities.

(2) When any licensee of reprocessing activity intends to change 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 the approval of the Nuclear Regulation Authority as set forth in the Ordinance of the NRA; provided, however, that this shall not apply to a minor change specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the application for the approval set forth in the two preceding paragraphs conform with all of the following items, it shall grant the approval set forth in the two preceding paragraphs:

- (i) That the design and construction method of the reprocessing facilities are as designated as set forth in Article 44 (1), as permitted as set forth in paragraph (1) of the preceding Article, or as notified pursuant to the provision of paragraph (2) of said Article,
- (ii) That the design and construction method of the reprocessing facilities conform with the technical standards specified by the Ordinance of the NRA,
- (iii) That the person's quality control method pertaining to the design and construction and systems for their inspection conform with the technical standards specified by the Ordinance of the NRA.

(4) When any licensee of reprocessing activity has made a minor change to the design and construction method, as specified by the Ordinance of the NRA 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 Nuclear Regulation Authority of the minor change.

(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 prescribed 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 Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, and shall not use the reprocessing facilities until after they have passed the inspection. The same shall apply when making modifications to the reprocessing facilities.

(2) Reprocessing facilities shall be considered to have passed the inspection set forth in the preceding paragraph when they conform with both 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 (the changed design and method in the case that there has been the approval or notification regarding a change pursuant to the provision of paragraph (2) or (4) of said Article) has been obtained,

(ii) That their performance conforms with the technical standards set forth in Article 46-2-2.

(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 the NRA that are to be welded shall be inspected by the Nuclear Regulation Authority with respect to the welding, pursuant to the provisions of the Ordinance of the NRA, 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 prescribed in paragraph (4) and cases specified by the Ordinance of the NRA.

(2) A person who intends to undergo the inspection set forth in the preceding paragraph shall obtain the approval of the Nuclear Regulation Authority concerning the method of welding, pursuant to the provisions of the Ordinance of the NRA.

(3) Welding shall be considered to have passed the inspection set forth in paragraph (1) when it conforms with both of the following items:

(i) That welding is being carried out in compliance with the method for which the approval set forth in the preceding paragraph has been obtained,

(ii) That welding conforms with the technical standards specified by the Ordinance of the NRA.

(4) Reprocessing facilities involving welding prescribed in paragraph (1) that have been imported shall be inspected by the Nuclear Regulation Authority concerning the welding pursuant to the provisions of the Ordinance of the NRA, and the licensee of reprocessing activity shall not use the reprocessing facilities until after they have passed the inspection.

(5) Welding shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standards set forth in item (ii) of paragraph (3).

(Maintenance of Performance of Reprocessing Facilities)

Article 46-2-2

Any licensee of reprocessing activity shall maintain his/her reprocessing facilities, so that the performance of the reprocessing facilities conforms with the technical standards specified by the Ordinance of the NRA; provided, however, that this shall not apply to the case where the approval set forth in Article 50-5 (2) has been obtained (except for the cases specified by the Ordinance of the NRA).

(Periodic Facility Inspection)

Article 46-2-3

(1) Any licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the

NRA, undergo an annual inspection conducted by the Nuclear Regulation Authority 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 (except for the cases specified by the Ordinance of the NRA).

(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 set forth in the preceding Article.

(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 Nuclear Regulation Authority within fifteen days from the day concerned.

(Usage Plan)

Article 46-4

Any licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the NRA, create an operation plan for the reprocessing facilities, and notify the Nuclear Regulation Authority 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 and Split)

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) or in the case of a split of juridical persons who are licensees of reprocessing activity (limited to the case that the entirety of the reprocessing activity pertaining to the permission is to be succeeded to), when the approval of the Nuclear Regulation Authority has been obtained for the merger or the split, the juridical person who is to continue to exist after the merger, the juridical person who has been established by the merger, or the juridical person who has succeeded to the entirety of the reprocessing activity after the split shall succeed to the status of the 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 to the status of the licensee of reprocessing activity.

(2) The inheritor who has succeeded to the status of the licensee of reprocessing activity pursuant to the provision of the preceding paragraph shall notify the Nuclear Regulation Authority 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 specified by the Ordinance of the NRA, or suspends his/her activity for more than one year continuously, without justifiable grounds, the Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 any of items (ii) to (iv) of Article 44-3,
- (ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of Article 44-4 (1), without obtaining the 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 has violated 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 set forth in 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 the provision of Article 7 (4), Article 8 (5), Article 9 (7), Article 11 (6), or Article 13-2 (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 47

Pursuant to the provisions of the Ordinance of the NRA, the licensee of reprocessing activity shall record the matters specified by the Ordinance of the NRA concerning the execution of the reprocessing activity, and keep this record at the factory or place of activity.

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

Article 48

(1) Any licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the NRA, take necessary operational safety measures concerning the following matters (including the matters concerning measures to be taken in the event of a severe accident):

- (i) Maintenance, etc. of reprocessing facilities,
- (ii) Operation of reprocessing equipment,
- (iii) Shipment, storage or disposal of spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel (regarding shipment and disposal, limited to that conducted in the premises of 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 place of activity where reprocessing facilities have been installed shall, if specified by Cabinet Order, take physical protection measures pursuant to the provisions of the Ordinance of the NRA.

(Suspension, etc. of the Use of Facilities)

Article 49

(1) When the Nuclear Regulation Authority finds that any of the location, structure or equipment of the reprocessing facilities does not conform with the standards set forth in item (iv) of Article 44-2 (1), that the performance of the reprocessing facilities does not conform with the technical standards set forth in Article 46-2-2, 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 provisions of the Ordinance of the NRA pursuant to the provision of paragraph (1) of the preceding Article, it may order the relevant 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 Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (2) of the preceding Article, it may order the relevant licensee of reprocessing activity to take corrective measures, etc.

(Operational Safety Programs)

Article 50

(1) Any licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the NRA, 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 his/her activity, and obtain the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority 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, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority finds that the operational safety programs need to be amended for preventing disasters resulting from spent fuel, material separated from spent fuel, or material contaminated by such material or spent fuel, it may order the relevant licensee of reprocessing activity to amend the operational safety programs.

(4) Any licensee of reprocessing activity and his/her employees must observe the operational safety programs.

(5) Any licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of 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 "the 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 provisions of the Ordinance of the NRA, 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) and have work experience specified by the Ordinance of the NRA, and have this person supervise safety concerning the handling 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 Programs)

Article 50-3

(1) In the case prescribed in the provision of Article 48 (2), the licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection programs 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 "the 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 prescribed in the provision of Article 48 (2), the licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager, from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling 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 reprocessing activity" and the term "refining facilities" shall be deemed to be replaced with "reprocessing facilities."

(Evaluation for the Purpose of Improving the Safety of Reprocessing Facilities)

Article 50-4-2

(1) The licensee of reprocessing activity shall, pursuant to the provisions of the Ordinance of the NRA, conduct self-evaluation of the safety of his/her reprocessing facilities at each timing specified by the Ordinance of the NRA for the purpose of improving the safety of the reprocessing facilities; provided, however, that this shall not apply to the case where the approval set forth in paragraph (2) of the following Article has been obtained (except for the cases specified by the Ordinance of the NRA).

(2) The evaluation set forth in the preceding paragraph shall be conducted by investigating and analyzing the matters listed below and making a comprehensive evaluation of the safety of said reprocessing facilities as a whole, while taking into consideration the results of the investigation and analysis:

(i) When having taken the following measures for the purpose of preventing the occurrence and expansion of any possible severe accidents at reprocessing facilities (hereinafter referred to as "prevention, etc. of accidents" in this item), said measures and the matters concerning the effects of the measures for the prevention, etc. of accidents:

(a) Install equipment or apparatus contributing to the prevention, etc. of accidents other than the equipment or apparatus specified in the technical standards set forth in item (ii) of Article 45 (3) as those to be installed,

(b) Develop a system for steadily taking measures for the prevention, etc. of accidents, such as through increasing personnel for ensuring operational safety and enhancing education on operational safety,

(ii) When there remains a possibility to lead to a severe accident in spite of having taken the measures listed in (a) and (b) of the preceding item, the matters concerning said possibility.

(3) When a licensee of reprocessing activity has conducted self-evaluation set forth in paragraph (1), he/she shall notify the Nuclear Regulation Authority of the results of the self-evaluation,

methods of investigation, analysis, and comprehensive evaluation for said self-evaluation, and the matters specified by the Ordinance of the NRA (referred to as the "results of the evaluation, etc." in paragraph (5)), pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to the case where the approval set forth in paragraph (2) of the following Article has been obtained (except for the cases specified by the Ordinance of the NRA).

(4) When the Nuclear Regulation Authority finds that methods of investigation, analysis, and comprehensive evaluation for said self-evaluation, out of the matters it was notified of pursuant to the provision of the preceding paragraph, do not conform with the methods specified by the Ordinance of the NRA, it may order the licensee of reprocessing activity who has made the notification to change the methods of investigation, analysis, or comprehensive evaluation.

(5) When a licensee of reprocessing activity has made a notification pursuant to the provision of paragraph (3), he/she shall publicize the results of the evaluation, etc. that he/she made a notification of, pursuant to the provisions of the Ordinance of the NRA.

(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 by the Ordinance of the NRA (hereinafter referred to as "decommissioning measures" 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 a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.

(3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning measures of the licensee of reprocessing activity. In this case, the term "the preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 50-5 (2)"; the term "the 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, Article 46-2-3, and Articles 47 to 50-4-2 (including penal provisions pertaining to these provisions) for the period until the confirmation prescribed in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the Ordinance of the NRA, the former licensee of reprocessing activity, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA 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 the former licensee of reprocessing activity, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to the 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 16-4-2, Article 16-5, and Article 22-7-2" shall be deemed to be replaced with "Article 46-2-2, Article 46-2-3, and Article 50-4-2."

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 research and test reactor operation, operator of a foreign nuclear vessel, licensee of power reactor operation, 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, research and test reactor facility, power reactor facility, spent fuel interim storage facility, reprocessing facility or disposal facility prescribed in item (ix) of said paragraph that is associated with a usage facility prescribed 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 the following items, obtain the permission of the Nuclear Regulation Authority pursuant to the provisions of Cabinet Order:

(i) Final disposal, based on burial method, of nuclear fuel material or material contaminated by nuclear fuel material, where the radioactivity concentration of the radioactive materials specified by Cabinet Order contained in 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 by nuclear fuel material other than those prescribed in the preceding item (hereinafter referred to as "Category 2 waste disposal"),

(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 by nuclear fuel material, or the handling or treating specified by 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 Nuclear Regulation Authority:

(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 waste storage facility and associated facilities (hereinafter referred to as "waste storage facility") are to be installed,

- (iii) The property and quantity of the nuclear fuel material or material contaminated by nuclear fuel material that are to be disposed of,
- (iv) The location, structure and equipment of the waste disposal facilities or 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,
- (vi) A construction plan for the waste disposal facilities or waste storage facilities.

(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 Nuclear Regulation Authority shall not grant the permission set forth in said paragraph unless it finds that the application conforms with both of the following items:

- (i) That the applicant has sufficient technical capability and financial basis sufficient for executing the activity appropriately,
- (ii) That the location, structure and equipment of the waste disposal facilities or waste storage facilities conform with the standards specified by the Ordinance of the NRA as such that they will not hinder the prevention of disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material.

(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,
- (iv) A juridical person whose executive officials fall under any of the three preceding items.

(Permission for and Notification of Changes)

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 listed in items (ii) to (v) of paragraph (2) of said Article, he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order; provided, however, that this shall not apply to a change made to, from among the matters listed in item (ii) of said paragraph, only the name of the place of activity.

(2) When a licensee of radioactive waste disposal or storage activity has changed any matter listed in item (i) or (vi) of Article 51-2 (2), except the case prescribed in Article 51-13 (1), he/she shall notify the Nuclear Regulation Authority of the change within thirty days from the day that the change was made. The same shall apply to a change 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 that 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 Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, to the compliance of his/her waste disposal facilities (excluding specified waste disposal facilities prescribed 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 operational safety measures with the technical standards specified by the Ordinance of the NRA.

(2) When the licensee of waste disposal activity carries out waste disposal, he/she shall obtain the confirmation of the Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, as to the compliance of the nuclear fuel material or the material contaminated by nuclear fuel material to be disposed of and the compliance of related operational safety measures with the technical standards specified by the Ordinance of the NRA.

(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 specified by Cabinet Order (hereinafter referred to as "specified waste disposal facilities") or the facilities for radioactive waste storage specified by 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 activity (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 provisions of the Ordinance of the NRA, obtain the approval of the Nuclear Regulation Authority with respect to the design and construction method 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 prescribed in Article 51-9 (1) that are to be welded; hereinafter the same shall apply in this Article). The same shall apply when making modifications to the specified waste disposal facilities or specified waste storage facilities.

(2) When any licensee of Category 1 waste disposal activity or licensee of radioactive waste storage activity intends to change the design and construction method 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 the approval of the Nuclear Regulation Authority pursuant to the provisions of the Ordinance of the NRA; provided, however, that this shall not apply to a minor change specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the application for the approval set forth in the two preceding paragraphs conform with all of the following items, it shall grant the approval set forth in the two preceding paragraphs:

(i) That the design and construction method of the specified waste disposal facilities or specified waste storage facilities are as permitted as set forth in Article 51-2 (1) or Article 51-5 (1), or as notified pursuant to the provision of paragraph (2) of said Article,

(ii) That the design and construction method of the specified waste disposal facilities or specified waste storage facilities conform with the technical standards specified by the Ordinance of the NRA,

(iii) That the person's quality control method pertaining to the design and construction and systems for their inspection conform with the technical standards specified by the Ordinance of the NRA.

(4) When any licensee of Category 1 waste disposal activity or licensee of radioactive waste storage activity has made a minor change to the design and construction method, as specified by the Ordinance of the NRA 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 Nuclear Regulation Authority of the minor change.

(Pre-service Inspection)

Article 51-8

(1) Any licensee of Category 1 waste disposal activity or licensee of radioactive waste storage activity 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 prescribed 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 Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, 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 when making modifications to the specified waste disposal facilities or specified waste storage facilities.

(2) Specified waste disposal facilities or specified waste storage facilities shall be considered to have passed the inspection set forth in the preceding paragraph when they conform with both 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 (the changed design and method in the case that there has been the approval or notification regarding a change pursuant to the provision of paragraph (2) or (4) of said Article) has been obtained,

(ii) That their performance conforms with the technical standards set forth in Article 51-9-2.

(Welding Method and Inspection)

Article 51-9

(1) Any liquid waste tanks used for storing nuclear fuel material or material contaminated by nuclear fuel material, and any other specified waste disposal facilities or specified waste storage facilities specified by the Ordinance of the NRA that are to be welded shall be inspected by the Nuclear Regulation Authority with respect to the welding, pursuant to the provisions of the Ordinance of the NRA, and the licensee of Category 1 waste disposal activity or licensee of 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 prescribed in paragraph (4) and cases specified by the Ordinance of the NRA.

(2) A person who intends to undergo the inspection set forth in the preceding paragraph shall obtain the approval of the Nuclear Regulation Authority concerning the method of welding, pursuant to the provisions of the Ordinance of the NRA.

(3) Welding shall be considered to have passed the inspection set forth in paragraph (1) when it conforms with both of the following items:

(i) That welding is being carried out in compliance with the method for which the approval set forth in the preceding paragraph has been obtained,

(ii) That welding conforms with the technical standards specified by the Ordinance of the NRA.

(4) Specified waste disposal facilities or specified waste storage facilities involving welding prescribed in paragraph (1) that have been imported shall be inspected by the Nuclear Regulation Authority concerning the welding pursuant to the provisions of the Ordinance of the NRA, and the licensee of Category 1 waste disposal activity or licensee of radioactive waste storage activity shall not use the facilities until after they have passed the inspection.

(5) Welding shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standard set forth in item (ii) of paragraph (3).

(Maintenance of Performance of Specified Waste Disposal Facilities, etc.)

Article 51-9-2

Any licensee of Category 1 waste disposal activity or licensee of radioactive waste storage activity shall maintain his/her specified waste disposal facilities or specified waste storage facilities, so that the performance of the specified waste disposal facilities or specified waste storage facilities conforms with the technical standards specified by the Ordinance of the NRA; 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 (except for the cases specified by the Ordinance of the NRA).

(Periodic Facility Inspection)

Article 51-10

(1) Any licensee of Category 1 waste disposal activity or licensee of radioactive waste storage activity shall, pursuant to the provisions of the Ordinance of the NRA, undergo an inspection conducted at intervals of not less than one year as specified by the Ordinance of the NRA by the Nuclear Regulation Authority regarding 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 (except for the cases specified by the Ordinance of the NRA).

(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 set forth in the preceding Article.

(Notification of Commencement of the Activity, etc.)

Article 51-11

When a licensee of radioactive waste disposal or storage activity has commenced, suspended or restarted his/her activity, he/she shall notify the Nuclear Regulation Authority within fifteen days from the day concerned.

(Merger and Split)

Article 51-12

(1) In the case of a merger of juridical persons who are licensees of radioactive waste disposal or storage activity (except in the case of a merger of a juridical person who is a licensee of radioactive waste disposal or storage activity and a juridical person who is not a licensee of radioactive waste disposal or storage activity, and where the juridical person who is the licensee of radioactive waste disposal or storage activity continues to exist) or in the case of a split of juridical persons who are licensees of radioactive waste disposal or storage activity (limited to the case that the entirety of the radioactive waste disposal or storage activity pertaining to the permission is to be succeeded to), when the approval of the Nuclear Regulation Authority has been obtained for the merger or the split, the juridical person who is to continue to exist after the merger, the juridical person who has been established by the merger, or the juridical person who has succeeded to the entirety of the radioactive waste disposal or storage activity after the split shall succeed to the status of the licensee of radioactive waste disposal or storage activity.

(2) The provisions of item (i) of Article 51-3 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 activity, the inheritor shall succeed to the status of the licensee of radioactive waste disposal or storage activity.

(2) The inheritor who has succeeded to the status of the licensee of radioactive waste disposal or storage activity pursuant to the provision of the preceding paragraph shall notify the Nuclear Regulation Authority 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 activity fails to commence his/her activity within the period specified by the Ordinance of the NRA, or suspends his/her activity for more than one year continuously, without justifiable grounds, the Nuclear Regulation Authority

may rescind the permission set forth in Article 51-2 (1).

(2) When a licensee of radioactive waste disposal or storage activity falls under any of the following items, the Nuclear Regulation Authority 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 activity falls under any of items (ii) to (iv) of Article 51-4,

(ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of Article 51-5 (1), without obtaining the 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 has violated 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 set forth in 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,

(xxi) When he/she has violated an order pursuant to the provision of Article 7 (4), Article 8 (5), Article 9 (7), Article 11 (6), or Article 13-2 (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 51-15

Pursuant to the provisions of the Ordinance of the NRA, the licensee of radioactive waste disposal or storage activity shall record the matters specified by the Ordinance of the NRA 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 Specified Nuclear Fuel Material)

Article 51-16

(1) Any licensee of Category 1 waste disposal activity shall, pursuant to the provisions of the Ordinance of the NRA, take necessary operational safety measures 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"),

(iii) Shipment or disposal of nuclear fuel material or material contaminated by nuclear fuel material (limited to shipment or disposal conducted in the premises of 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 take the necessary operational safety measures concerning the following matters, pursuant to the provisions of the Ordinance of the NRA in accordance with the attenuation of radioactivity of nuclear fuel material or material contaminated by nuclear fuel material:

(i) Maintenance etc. of waste disposal facilities,

(ii) Shipment or disposal of nuclear fuel material or material contaminated by nuclear fuel material (limited to shipment or disposal conducted in the premises of the place of activity where waste disposal facilities have been installed).

(3) Any licensee of radioactive waste storage activity shall, pursuant to the provisions of the Ordinance of the NRA, take necessary operational safety measures concerning the following matters:

(i) Maintenance etc. of waste storage facilities,

(ii) Operation of equipment for radioactive waste storage,

(iii) Shipment or disposal of nuclear fuel material or material contaminated by nuclear fuel material (limited to shipment or disposal conducted in the premises of 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 fuel material at the place of activity where waste disposal facilities or waste storage facilities have been installed shall, if specified by Cabinet Order, take physical protection measures pursuant to the provisions of the Ordinance of the NRA.

(Suspension, etc. of the Use of Facilities)

Article 51-17

(1) When the Nuclear Regulation Authority finds that any of the location, structure or equipment of the specified waste disposal facilities or specified waste storage facilities does not conform with the standards set forth in item (ii) of Article 51-3, that the performance of the specified waste disposal facilities or specified waste storage facilities does not conform with the technical standards set forth in Article 51-9-2, 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 (limited to shipment or disposal conducted in the premises of the place of activity where waste disposal facilities or waste storage facilities have been installed) are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (1), (2) or (3) of the preceding Article, it may order the relevant licensee of radioactive waste disposal or storage activity 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 operational safety measures to be taken.

(2) When the Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of paragraph (4) of the preceding Article, it may order the relevant licensee of radioactive waste disposal or storage activity to take corrective measures, etc.

(Operational Safety Programs)

Article 51-18

(1) Any licensee of radioactive waste disposal or storage activity shall, pursuant to the provisions of the Ordinance of the NRA, 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 his/her activity, and obtain the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority 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, it may order the relevant licensee of radioactive waste disposal or storage activity to amend the operational safety programs.

(4) Any licensee of radioactive waste disposal or storage activity and his/her employees must observe the operational safety programs.

(5) Any licensee of radioactive waste disposal or storage activity shall, pursuant to the provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of 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 "the 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 waste disposal activity who has installed the repository or such facilities shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of 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, with the permission set forth in paragraph (1), has received a waste disposal site or entire facilities that include a waste disposal site from a licensee of waste disposal activity who has installed the waste disposal site or such facilities shall succeed to the status of the licensee of waste disposal activity with respect to the relevant waste disposal site.

(Chief Engineer of Radioactive Waste)

Article 51-20

(1) Any licensee of radioactive waste disposal or storage activity shall, pursuant to the provisions of the Ordinance of the NRA, 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 by the Ordinance of the NRA, and have this person supervise operational safety concerning the handling of nuclear fuel material or material contaminated by nuclear fuel material.

(2) When any licensee of radioactive waste disposal or storage activity has appointed the chief engineer of radioactive waste pursuant to the provision of the preceding paragraph, he/she shall notify the Nuclear Regulation Authority 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 by 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 by 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 by nuclear fuel material given by the chief engineer of radioactive waste.

(Order to Dismiss the Chief Engineer of Radioactive Waste)

Article 51-22

When the chief engineer of radioactive waste has violated the provisions of this Act or an order pursuant to this Act, the Nuclear Regulation Authority may order the relevant licensee of radioactive waste disposal or storage activity to dismiss the chief engineer of radioactive waste.

(Physical Protection Programs)

Article 51-23

(1) In the case prescribed in the provision of Article 51-16 (4), the licensee of radioactive waste disposal or storage activity shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection programs 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 "the 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 activity."

(Physical Protection Manager)

Article 51-24

(1) In the case prescribed in the provision of Article 51-16 (4), the licensee of radioactive waste disposal or storage activity shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager, from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling 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 activity" 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 provisions of the Ordinance of the NRA, draw up a plan in advance related to the backfilling of the tunnel, blocking of the tunnel opening, and any other measures specified by the Ordinance of the NRA (hereinafter referred to as "closure") (hereinafter such plan shall be referred to as "closure plan") regarding the relevant tunnel, and obtain the approval of the Nuclear Regulation Authority.

(2) Any licensee of Category 1 waste disposal activity shall, pursuant to the provisions of the Ordinance of the NRA, obtain the confirmation of the Nuclear Regulation Authority for each process for closure of a tunnel as specified by the Ordinance of the NRA indicating that the closure that is being taken in compliance with the plan for closure for which the approval set forth in the preceding paragraph was obtained (the amended closure plan in the case that there has been the approval or notification regarding an amendment pursuant to 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 "the preceding

paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 51-24-2 (1)"; the term "the 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 activity 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 by nuclear fuel material, and take any other measures specified by the Ordinance of the NRA (hereinafter referred to as "decommissioning measures" in this Article and the following Article).

(2) When the licensee of radioactive waste disposal or storage activity intends to take decommissioning measures, he/she shall draw up a plan concerning said decommissioning measures (hereinafter referred to as a "decommissioning plan" in the following Article) in advance, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.

(3) The provisions of Article 12-6 (3) to (9) shall apply mutatis mutandis to the decommissioning measures of the licensee of radioactive waste disposal or storage activity. In this case, the term "the preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 51-25 (2)"; the term "the 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 activity has had his/her permission rescinded pursuant to the provision of Article 51-14, or when any licensee of radioactive waste disposal or storage activity 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 activity, 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 activity has had his/her permission rescinded pursuant to the provision of Article 51-14 or when the licensee of radioactive waste disposal or storage activity 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 activity regarding the application of the provisions of Article 51-9-2, 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 prescribed in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the Ordinance of the NRA, the former licensee of radioactive waste disposal or storage activity, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA from the date that his/her designation as a licensee of radioactive waste disposal or storage activity 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 activity.

(3) The former licensee of radioactive waste disposal or 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 radioactive waste disposal or storage activity, etc., and the provision of Article 22-9 (4) shall apply mutatis mutandis to former licensee of radioactive waste

disposal or storage activity, etc. (excluding persons concerned with the licensee 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 or enrichment activity" shall be deemed to be replaced with "licensee of radioactive waste disposal or storage activity (excluding the licensee of Category 2 waste disposal activity)" and the term "Article 16-4-2, Article 16-5, and Article 22-7-2" shall be deemed to be replaced with "Article 51-9-2 and Article 51-10."

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

(Permission for the Use)

Article 52

(1) Any person who intends to use nuclear fuel material shall, pursuant to the provisions of Cabinet Order, obtain the permission of the Nuclear Regulation Authority; provided, however, that this shall not apply to a case that falls under any of the following items:

- (i) Where a licensee of refining activity provides nuclear fuel material in the refining activity,
- (ii) Where a licensee of fabricating or enrichment activity provides nuclear fuel material in the fabricating or enrichment activity,
- (iii) Where a licensee of research and test reactor operation, operator of a foreign nuclear vessel, and licensee of power reactor operation use nuclear fuel material as fuel for reactors,
- (iv) Where a licensee of reprocessing activity provides nuclear fuel material in the reprocessing activity,
- (v) Where 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 Nuclear Regulation Authority 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 that 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"),
- (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 Nuclear Regulation Authority shall not grant the permission set forth in said paragraph unless it finds that the application conforms with all of the following items:

- (i) That nuclear fuel material will not be utilized for non-peaceful purposes,
- (ii) That the location, structure and equipment of the usage facilities, storage facilities or disposal facilities (hereinafter referred to as "usage facilities, etc.") conform with the standards specified

by the Ordinance of the NRA as such that they will not hinder the prevention of disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material,
(iii) 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,
- (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 listed in items (ii) to (iv), or items (vi) to (ix) of paragraph (2) of said Article, he/she shall obtain the permission of the Nuclear Regulation Authority, pursuant to the provisions of Cabinet Order.

(2) When a user has changed any matter listed in item (i) or (v) of Article 52 (2), he/she shall notify the Nuclear Regulation Authority 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 provisions of the Ordinance of the NRA, undergo an inspection by the Nuclear Regulation Authority concerning the construction work of the usage facilities, etc. for nuclear fuel material specified by Cabinet Order (except for welding of usage facilities, etc. prescribed 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 modifications are made to such usage facilities, etc.

(2) Construction work of the usage facilities, etc. shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standards specified by the Ordinance of the NRA.

(Welding Inspection)

Article 55-3

(1) Any container used for storing nuclear fuel material and other usage facilities, etc. specified by the Ordinance of the NRA that are to be welded shall be inspected by the Nuclear Regulation Authority when welding is to be performed, pursuant to the provisions of the Ordinance of the NRA, 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 the NRA.

(2) Welding shall be considered to have passed the inspection set forth in the preceding paragraph when it conforms with the technical standards specified by the Ordinance of the NRA.

(Rescission, etc. of the Permission)

Article 56

When a user falls under any of the following items, the Nuclear Regulation Authority 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 any of items (ii) to (iv) of Article 54,
- (ii) When he/she has changed a matter for which he/she should have obtained the permission pursuant to the provision of Article 55 (1), without obtaining the permission,
- (iii) When he/she has violated the provision of Article 56-3 (1) or (4), or has violated 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 set forth in 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 the provision of Article 7 (4), Article 8 (5), Article 9 (7), Article 11 (6), or Article 13-2 (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness.

(Records)

Article 56-2

Pursuant to the provisions of the Ordinance of the NRA, the user shall record the matters specified by the Ordinance of the NRA concerning the use of nuclear fuel material, and keep this record at the factory or place of activity.

(Operational Safety Programs)

Article 56-3

(1) When any user uses nuclear fuel material specified by Cabinet Order, he/she shall, pursuant to the provisions of the Ordinance of the NRA, 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 using such material, and obtain the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such programs.

(2) When the Nuclear Regulation Authority finds that the operational safety programs are not sufficient for preventing disasters resulting from nuclear fuel material or material contaminated

by nuclear fuel material, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority 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, it may order the relevant user to amend the operational safety programs.

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

(5) Any user shall, pursuant to the provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding the compliance with the provision of 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 "the preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 56-3 (5)."

(Criteria, etc. for Use and Storage)

Article 57

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

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

(3) When the Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision set forth in the preceding paragraph, it may order the relevant user to take corrective actions, etc.

(Physical Protection Programs)

Article 57-2

(1) In the case prescribed in the provision of paragraph (2) of the preceding Article, the user shall, pursuant to the provisions of the Ordinance of the NRA, specify physical protection programs and obtain the approval of the Nuclear Regulation Authority before commencing the handling of specified nuclear fuel material. The same shall apply when amendments are made to such programs.

(2) The provisions of Article 12-2 (2) to (5) shall apply mutatis mutandis to the physical protection programs 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 "the preceding paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "Article 57-2 (1)," and the term "licensee of refining activity" in paragraphs (3) to (5) of said Article shall be deemed to be replaced with "user."

(Physical Protection Manager)

Article 57-3

(1) In the case prescribed in the provision of Article 57 (2), the user shall, pursuant to the provisions of the Ordinance of the NRA, appoint a physical protection manager, from among persons who satisfy the requirements specified by the Ordinance of the NRA related to knowledge, etc. of the handling of specified nuclear fuel material, etc., and have this physical protection manager manage the business 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 "user," 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 place of activity where usage facilities, etc. have been installed) shall take the necessary operational safety measures in compliance with the technical standards specified by the Ordinance of the NRA.

(Standards for Shipment)

Article 57-5

Any user shipping nuclear fuel material or material contaminated by nuclear fuel material (limited to shipment conducted in the premises of the factory or place of activity where usage facilities, etc. have been installed) shall take the necessary operational safety measures in compliance with the technical standards specified by the Ordinance of the NRA.

(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 by the Ordinance of the NRA (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 "abolition plan" in the following Article) in advance, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority.

(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 "the preceding paragraph" in paragraph (3) of said Article shall be deemed to be replaced with "Article 57-6 (2)"; the term "the two preceding paragraphs" in paragraph (4) of said Article shall be deemed to be replaced with "Article 57-6 (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 57-6 (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 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 prescribed in Article 12-7 (9) as applied mutatis mutandis pursuant to paragraph (4) is obtained.

(2) Pursuant to the provisions of the Ordinance of the NRA, the former user, etc. shall draw up a decommissioning plan and apply for the approval of the Nuclear Regulation Authority within the period specified by the Ordinance of the NRA 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 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 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 "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 provisions of Cabinet Order, notify the Nuclear Regulation Authority in advance; provided, however, that this shall not apply to a case that falls under any of the following items:

- (i) Where a licensee of refining activity provides nuclear source material in the refining business,
- (ii) Where 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,
- (iii) Where 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 make a notification pursuant to the provision of the preceding paragraph shall submit a written notification containing the following matters to the Nuclear Regulation Authority:

- (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 that the estimated period is less than one year, the estimated period of use),
- (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 made a notification pursuant to the provision of paragraph (1) (hereinafter referred to as "nuclear source material user") shall notify the Nuclear Regulation Authority without delay when changes are made to a matter listed in any of the items of the preceding paragraph, pursuant to the provisions of Cabinet Order.

(4) Any person who uses nuclear source material shall comply with the technical standards specified by the Ordinance of the NRA when using nuclear source material (excluding the use that falls under item (i) or (iii) of paragraph (1); hereinafter the same shall apply in the following paragraph).

(5) When the Nuclear Regulation Authority finds that the use of nuclear source material does not conform with the standards set forth in the preceding paragraph, it may order the relevant 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 provisions of the Ordinance of the NRA, record the matters specified by the Ordinance of the NRA concerning the use of nuclear source material, and keep this record at the factory or place of activity.

(7) When any nuclear source material user has abolished all use of nuclear source material pertaining to said notification, he/she shall notify the Nuclear Regulation Authority pursuant to the provisions of the Ordinance of the NRA.

(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 Nuclear Regulation Authority pursuant to the provisions of the Ordinance of the NRA.

Chapter V-4 Responsibility of Licensees of Nuclear Energy Activity, etc.

Article 57-9

A licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, operator of a foreign nuclear vessel, licensee of power reactor operation,

licensee of spent fuel interim storage activity, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, or user (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of research and test reactor operation, etc., former licensee of power reactor operation, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal or storage activity, etc., or former user, etc.; hereinafter referred to as "licensee of nuclear energy activity, etc.") shall be responsible for installing equipment or apparatus contributing to the improvement of the safety of nuclear facilities, enhancing education on operational safety, or taking any other necessary measures for preventing disasters resulting from nuclear source material, nuclear fuel material, and reactors, while taking into account the latest knowledge on safety at nuclear facilities, based on the provisions of this Act.

Chapter VI Regulations, etc. Concerning Licensees of Nuclear Energy Activity, etc.

(Confirmation, etc. Concerning Disposal)

Article 58

(1) When a licensee of nuclear energy activity, etc. disposes of nuclear fuel material or material contaminated by nuclear fuel material outside of a factory or place of activity where refining facilities, fuel facilities, research and test reactor facilities, power 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 provisions of the Ordinance of the NRA:

(2) In the case set forth in the preceding paragraph, when applicable to cases specified by Cabinet Order as being particularly necessary in order to prevent disasters resulting from nuclear fuel material or material contaminated by nuclear fuel material, the licensee of nuclear energy activity, etc. shall, pursuant to the provisions of the Ordinance of the NRA, obtain the confirmation of the Nuclear Regulation Authority, as to the compliance of the measures related to disposal with the provisions of the Ordinance of the NRA pursuant to the provision of said paragraph.

(3) In the case set forth in paragraph (1), when the Nuclear Regulation Authority finds that the measures relating to disposal of nuclear fuel material or material contaminated by nuclear fuel material are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of said paragraph, it may order the relevant licensee of nuclear energy activity, etc. to suspend disposal or take other necessary operational safety measures.

(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) ships 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 operational safety measures (necessary measures for operational safety and physical protection of specified 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 by the Ordinance of the NRA with respect to the material to be shipped, and with the technical standards specified by the Ordinance of the NRA (the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as the "Ordinance of MLIT") for shipment via railway, tram, cableway, trackless train, vehicle and light vehicle) with respect to other matters.

(2) In the case set forth in the preceding paragraph, when applicable to cases 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 specified nuclear fuel material, the licensee of nuclear energy activity, etc. shall obtain the confirmation of the Nuclear Regulation Authority, pursuant to the provisions of the Ordinance of the NRA, with respect to the material to be shipped, and the confirmation of the Nuclear Regulation Authority (the Minister of MLIT for shipment via railway, tram, cableway, trackless train, vehicle and light vehicle), pursuant to the provisions of the Ordinance of the NRA (the 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 set forth in said paragraph.

(3) The licensee of nuclear energy activity, etc., may obtain the approval of the Nuclear Regulation Authority in advance, pursuant to the provisions of the Ordinance of the NRA, concerning the container to be used in shipment. In this case, the container for which the approval of the Nuclear Regulation Authority was obtained 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 Nuclear Regulation Authority 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, they may order the relevant licensee of nuclear energy activity, etc., to suspend shipment and take any other measures necessary for the operational safety and for the physical protection of specified nuclear fuel material, in accordance with the classifications for such measures prescribed 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 provisions 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 by 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 prescribed in the provision of 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 provisions 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 provisions 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 provisions 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 specified by Cabinet Order.

Article 59-2

(1) In a case specified by 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 the NRA.

(2) In the case set forth in the preceding paragraph, the licensee of nuclear energy activity, etc. shall obtain the confirmation of the Nuclear Regulation Authority before commencing the shipment set forth in said paragraph, pursuant to the provisions of the Ordinance of the NRA, regarding the conclusion of the agreement prescribed 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 interim storage of spent fuel) from a licensee of nuclear energy activity, etc. (excluding operators of a foreign nuclear vessel, licensee of spent fuel interim storage activity and licensee of radioactive waste disposal or storage activity (including former licensee of spent fuel interim storage activity, etc. and former licensee of radioactive 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 by the Ordinance of the NRA.

(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 provisions of the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the physical protection measures are in violation of the provisions of the Ordinance of the NRA pursuant to the provision of the preceding paragraph, it may order the relevant 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.

(Restrictions on Transfer and Reception)

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 research and test reactor operation, licensee of power reactor operation, licensee of reprocessing activity, licensee of radioactive waste disposal or storage

activity, user or other licensee of refining activity, or receives nuclear fuel material from such persons,

(ii) Where a licensee of fabricating or enrichment activity transfers nuclear fuel material to a licensee of refining activity, licensee of research and test reactor operation, licensee of power reactor operation, licensee of reprocessing activity, licensee of radioactive 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 research and test reactor operation transfers nuclear fuel material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of power reactor operation, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, user or other licensee of research and test reactor operation, or receives nuclear fuel material from such persons,

(iv) Where a licensee of power reactor operation transfers nuclear fuel material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, user, or other licensee of power reactor operation, or receives nuclear fuel material from such persons,

(v) Where a licensee of reprocessing activity transfers nuclear fuel material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, licensee of power reactor operation, licensee of radioactive waste disposal or storage activity, user or other licensee of reactor operation, or receives nuclear fuel material from such persons,

(vi) Where a licensee of radioactive waste disposal or storage activity transfers nuclear material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, licensee of power reactor operation, licensee of reprocessing activity, user or other licensee of radioactive waste disposal or storage activity, or receives nuclear fuel material from such persons,

(vii) Where a user transfers nuclear material to a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, licensee of power reactor operation, licensee of reprocessing activity, licensee of radioactive 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,

(viii) Where a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, licensee of power reactor operation, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity or user transfers or receives nuclear fuel material of a type and quantity specified by the 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,

(ix) Where a licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, licensee of power reactor operation, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity or user exports or imports nuclear fuel material,

(x) Where a former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of research and test reactor operation, former licensee of power reactor operation, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal or storage activity, etc. or former user, etc. transfers or receives nuclear fuel material in compliance with the decommissioning plan for which the approval set forth in Article 12-7 (2), Article 22-9 (2), Article 43-3-3 (2), Article 43-3-34 (2), Article 51 (2), Article 51-26 (2) or Article 57-7 (2) has been obtained (the amended decommissioning plan in the case that there has been the approval or notification regarding an amendment 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 43-3-34 (4), Article 51 (4), Article 51-26 (4) and Article 57-7 (4))),

(xi) 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 Nuclear Regulation Authority as to the radioactivity concentration of radioactive material contained in the material and other material used at the factory, etc. not exceeding the criteria specified by the Ordinance of the NRA for not requiring measures for prevention of radiation hazards, pursuant to the provisions of the Ordinance of the NRA.

(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 Nuclear Regulation Authority was obtained in advance pursuant to the provisions of the Ordinance of the NRA, and submit an application form that lists the results of the measurement and evaluation and any other documents specified by the Ordinance of the NRA to the Nuclear Regulation Authority.

(3) Material for which the confirmation of the Nuclear Regulation Authority 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 specified by Cabinet Order.

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, pursuant to the provisions of Cabinet Order, obtain the permission of the Nuclear Regulation Authority; provided, however, that this shall not apply to a case that falls under any of the following items:

(i) Where a licensee of refining activity provides international controlled material for the refining activity,

(ii) Where a licensee of fabricating or enrichment activity provides international controlled material for the fabricating or enrichment activity,

(iii) Where a licensee of reactor operation provides international controlled material to install or operate reactors,

(iv) Where a licensee of reprocessing activity provides international controlled material for the reprocessing activity,

(v) Where a user uses international controlled material for a use for which the permission set forth in Article 52 (1) was obtained,

(vi) 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. 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 Nuclear Regulation Authority:

(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,

(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 set forth 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 provisions of the Ordinance of the NRA notify the Nuclear Regulation Authority 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 provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority 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 radioactive waste disposal or storage activity intends to dispose of international controlled material, he/she shall, pursuant to the provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority 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 provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority of the type and quantity of the international controlled material and the estimated period of use, within the period specified by the Ordinance of the NRA 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 provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority of the type and quantity of the international controlled material to be stored and the estimated period of storage, within the period specified by the Ordinance of the NRA from the day that his/her permission as a licensee of spent fuel interim storage activity was rescinded pursuant to the provision of 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 radioactive 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 provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority of the type and quantity of the international controlled material to be disposed of and the estimated period of disposal, within the period specified by the Ordinance of the NRA from the day that his/her permission as a licensee of radioactive waste disposal or storage activity was rescinded pursuant to the provision of Article 51-14 or from the day of dissolution or death of the licensee of radioactive waste disposal or storage activity.

(Ineligibility for the Permission)

Article 61-4

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,
- (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 listed in items (ii) to (iv) of paragraph (2) of said Article, he/she shall notify the Nuclear Regulation Authority of the change in advance, pursuant to provisions of the Ordinance of the NRA.

(2) When an international controlled material user has changed any matter listed in item (i) or (v) of Article 61-3 (2) he/she shall notify the Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 any of items (ii) to (iv) of Article 61-4,
- (ii) When he/she has changed a matter for which he/she should have made a notification pursuant to the provision of paragraph (1) of the preceding Article, without making a 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,
- (iv) When he/she has violated the conditions set forth in Article 62-2 (2).

(Records)

Article 61-7

Pursuant to the provisions of the Ordinance of the NRA, 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 radioactive waste disposal or storage activity disposing of international controlled material (including former licensee of radioactive waste disposal or storage activity, etc.; hereinafter the same shall apply in this Article); hereinafter the same shall apply in Article 61-9, 67 (1), Article 68 (11) to (14), item (xxix) of Article 78 and item (x) of Article 80) shall record the matters specified by the Ordinance of the NRA 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 radioactive 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 (3)), Article 71 (3) and Article 72 (3)).

(Accounting Provisions)

Article 61-8

(1) Any international controlled material user, any person falling under any of the items of Article 61-3 (1) (excluding item (i)) and any person prescribed 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, specify

accounting provisions, pursuant to the provisions of the Ordinance of the NRA, and obtain the approval of the Nuclear Regulation Authority before commencing the use of international controlled material. The same shall apply when amendments are made to such provisions.

(2) When the Nuclear Regulation Authority finds that the accounting provisions are not sufficient for ensuring proper measurement and management of international controlled material, it shall not grant the approval set forth in the preceding paragraph.

(3) When the Nuclear Regulation Authority finds it necessary in order to ensure proper measurement and management of international controlled material, it may order the relevant international controlled material user, etc. to amend 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 provisions of the Ordinance of the NRA, undergo a periodic inspection conducted by the Nuclear Regulation Authority regarding 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 Nuclear Regulation Authority may carry out the matters listed below as specified by the Ordinance of the NRA:

(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),

(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 Nuclear Regulation Authority may order any international controlled material user, etc. to return or transfer international controlled material when any of the following applies:

(i) When the international agreement is suspended or abolished, or the period of the international agreement has expired,

(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 provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority.

(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 provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority 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 provisions of the Ordinance of the NRA, 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 Nuclear Regulation Authority 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 provisions of Cabinet Order, notify the Nuclear Regulation Authority 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 a written notification containing the following matters to the Nuclear Regulation Authority:

(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 by the Ordinance of the NRA,

(iv) The location where the international specified activities are to be conducted,

(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 of the preceding paragraph, he/she shall notify the Nuclear Regulation Authority of the change within thirty days of the day that the change was made.

(4) When any international specified activities implementer has completed all international specified activities pertaining to said notification, he/she shall, pursuant to the provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority.

(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 provisions of the Ordinance of the NRA, notify the Nuclear Regulation Authority 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 Nuclear Regulation Authority finds that it contributes to the proper implementation of safeguards based on international agreements, it may, pursuant to the provisions of Cabinet Order, entrust a person whom it designates (hereinafter referred to as "designated information processing organization") with the analysis of information and other processing work (hereinafter referred to as "information processing work") concerning the 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 are made, the Nuclear Regulation Authority shall not grant the designation set forth in said Article unless it finds that an application conforms with the following items:

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

(Ineligibility for the Designation)

Article 61-13

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,
- (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 change its name, address or the location of the office where it conducts information processing work shall notify the Nuclear Regulation Authority in advance.

(Duty to Implement Work)

Article 61-15

When any designated information processing organization is requested by the Nuclear Regulation Authority 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 rules relating to information processing work (hereinafter referred to as "work rules" in this Section) and obtain the approval of

the Nuclear Regulation Authority. The same shall apply when amendments are made to such rules.

(2) The matters that should be specified in the work rules shall be specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the work rules for which the approval set forth in paragraph (1) was granted have become inappropriate for properly executing information processing work, it may order the relevant designated information processing organization to amend the rules.

(Business 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 Nuclear Regulation Authority. The same shall apply when amendments are made to such 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 Nuclear Regulation Authority.

(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 Nuclear Regulation Authority finds that a designated information processing organization has ceased to conform with items (i) to (iii) of Article 61-12, it may order the relevant 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 Nuclear Regulation Authority.

(Rescission, etc. of the Designation)

Article 61-21

When any designated information processing organization falls under any of the following items, the Nuclear Regulation Authority 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 rules for which the approval set forth in Article 61-16 (1) was obtained,

(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 Nuclear Regulation Authority shall place a public announcement in the Official Gazette in the following cases:

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

(Collection of Reports, etc.)

Article 61-23

(1) The Nuclear Regulation Authority 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 allow its official to enter the office or place of activity of said organization and inspect the books, documents and other necessary property of said organization, or question the people concerned.

(2) When the official enters the office or place of activity 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 Nuclear Regulation Authority may, pursuant to the provisions of the Ordinance of the NRA, 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 prescribed 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 (5) 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 the confirmation of records based on devices installed pursuant to the provision of item (iv) of Article 61-8-2 (2), Article 68 (11) or (12),

(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 by the Ordinance of the NRA to an application form containing the following matters, and submit them to the Nuclear Regulation Authority:

(i) The name and address of the applicant, and the name of its representative,

(ii) The address of the place of activity where work implemented for safeguards inspections, etc. is to be carried out,

(iii) Other matters in addition to those listed in the two preceding items that are specified by the Ordinance of the NRA as being necessary for the designation set forth in the preceding Article.

(3) When the Nuclear Regulation Authority grants the designation set forth in the preceding Article, it 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 set forth in paragraph (1) of the preceding Article is made, the Nuclear Regulation Authority shall not grant the designation set forth in Article 61-23-2 unless it finds that an application conforms with the following items:

- (i) That the safeguards inspection is carried out by persons who have knowledge and experience conforming with the conditions specified by the Ordinance of the NRA, and the number of persons is not less than the number specified by the Ordinance of the NRA,
- (ii) That the applicant has sufficient technical capability and financial basis for appropriately executing work implemented for safeguards inspections, etc.,
- (iii) That the applicant is a general incorporated association or general incorporated foundation 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., that such work is not likely to hinder the appropriate execution of work implemented for safeguards inspections, etc.,
- (v) That granting the designation is not likely to impede the appropriate and smooth implementation of safeguards pursuant to safeguards agreements and additional protocols.

(Ineligibility for the 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,
 - (b) A person who has been dismissed based on an order 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 activity where work implemented for safeguards inspections, etc. is carried out shall notify the Nuclear Regulation Authority in advance.

(Implementation of Safeguards Inspections)

Article 61-23-7

(1) When the Nuclear Regulation Authority intends to request t a designated organization implementing safeguards inspections, etc. to conduct a safeguards inspection, it shall issue implementation instructions that list the date, time and location of the relevant safeguards inspection as well as any other matters specified by the Ordinance of the NRA (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 prescribed 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 to handle a matter not listed, the official designated by the Nuclear Regulation Authority 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 prescribed 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 activity 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 Nuclear Regulation Authority of the results of the relevant safeguards inspection, pursuant to the provisions of the Ordinance of the NRA.

(Work Rules)

Article 61-23-8

(1) The designated organization implementing safeguards inspections, etc. shall specify rules relating to the work implemented for safeguards inspections, etc. (hereinafter referred to as "work rules" in this Section), and obtain the approval of the Nuclear Regulation Authority. The same shall apply when amendments are made to such rules.

(2) The matters that should be specified in the work rules shall be specified by the Ordinance of the NRA.

(3) When the Nuclear Regulation Authority finds that the work rules for which the approval set forth in paragraph (1) was granted have become inappropriate for properly executing work implemented for safeguards inspections, etc., it shall order the designated organization implementing safeguards inspections, etc. to amend the work rules.

(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 Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 rules, or when such a person is considered to be inappropriate for conducting his/her duties, the Nuclear Regulation Authority may order the relevant 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 Nuclear Regulation Authority 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 Nuclear Regulation Authority.

(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 Nuclear Regulation Authority may rescind the designation set forth in Article 61-23-2, or specify a period not exceeding one year and order suspension of all or part of the work implemented for safeguards inspections, etc. for that period:

- (i) When a designated organization implementing safeguards inspections, etc. has violated the provisions of this Section,
- (ii) When 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 rules 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,
- (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 by the Ordinance of the NRA concerning work implemented for safeguards inspections, etc.
- (2) The books set forth in the preceding paragraph shall be stored pursuant to the provisions of the Ordinance of the NRA.

(Safeguards Inspection by the Nuclear Regulation Authority)

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 Nuclear Regulation Authority 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 Nuclear Regulation Authority 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 Nuclear Regulation Authority shall itself 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 Nuclear Regulation Authority itself 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 Nuclear Regulation Authority has rescinded the designation of any designated organization implementing safeguards inspections, etc. pursuant to the provision of Article 61-23-16 shall be specified by the Ordinance of the NRA.

(Public Notice)

Article 61-23-19

The Nuclear Regulation Authority shall place a public announcement in the Official Gazette in the following cases:

- (i) When the Nuclear Regulation Authority has granted the designation set forth in Article 61-23-2,
- (ii) When the Nuclear Regulation Authority has received a notification (limited to one pertaining to the name or address) pursuant to the provision of Article 61-23-6,
- (iii) When the Nuclear Regulation Authority has granted the permission set forth in Article 61-23-15 (limited to one pertaining to safeguards inspections),
- (iv) When the Nuclear Regulation Authority has 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,
- (v) When the Nuclear Regulation Authority has decided to conduct all or part of the work for a safeguards inspection by itself 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 it 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 the NRA)

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 by the Ordinance of the NRA.

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 specified 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 43-3-5 (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, fuel facility, research and test reactor facility, power reactor facility, spent fuel interim storage facility, reprocessing facility, waste disposal facility or waste storage facility, usage facility, etc., or facility pertaining to the 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 by the Ordinance of the competent ministry (order issued by the minister or the authority prescribed respectively in the following items (hereinafter referred to as "competent minister") in accordance with the classifications for licensees of nuclear energy activity, etc. listed in said items (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. (including nuclear source material users; hereinafter the same shall apply in this Article) shall, pursuant to the provisions of the Ordinance of the competent ministry, report on the state of the event and any other matters specified by the Ordinance of the competent ministry to the competent minister (or the prefectural public safety commission if a notification pursuant to the provision of said paragraph is made), without delay:

(i) A licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, operator of a foreign nuclear vessel, licensee of power reactor operation, licensee of spent fuel interim storage activity, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, and user (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of research and test reactor operation, etc., former licensee of power reactor operation, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal or storage activity, etc., and former user, etc.): The Nuclear Regulation Authority (the Nuclear Regulation Authority and the Minister of MLIT in cases pertaining to the shipment prescribed in Article 59 (1); the Minister of MLIT in cases pertaining to shipment via vessel or aircraft),

(ii) A nuclear source material user: The Nuclear Regulation Authority.

(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 reactors that a licensee of nuclear energy activity, etc. possesses (including a person entrusted with shipment from an licensee of nuclear energy activity, etc. and a storage contractor; hereinafter the same shall apply in this Article and paragraphs (1) and (2) of the following Article), the licensee of nuclear energy activity, etc. shall take emergency measures immediately, pursuant to the provisions of the Ordinance of the competent ministry (order issued by the minister or the authority prescribed respectively in items of paragraph (3) in accordance with the classifications for licensees of nuclear energy activity, etc. listed in said items).

(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) In the case set forth in paragraph (1) or in the case that there is an urgent risk of the occurrence of disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, when the Nuclear Regulation Authority or the Minister of MLIT finds it urgently necessary in order to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, they may order the person prescribed in said paragraph to suspend use of the refining facility, fuel facility, research and test reactor facility, power 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 licensees of nuclear energy activity, etc. listed below, 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) A licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, operator of a foreign nuclear vessel, licensee of power reactor operation, licensee of spent fuel interim storage activity, licensee of reprocessing activity, licensee of radioactive waste disposal or storage activity, and user (including former licensee of refining activity, etc., former licensee of fabricating or enrichment activity, etc., former licensee of research and test reactor operation, etc., former licensee of power reactor operation, etc., former licensee of spent fuel interim storage activity, etc., former licensee of reprocessing activity, etc., former licensee of radioactive waste disposal or storage activity, etc., and former user, etc.), and a person entrusted with shipment from such persons: The Nuclear Regulation Authority (the Nuclear Regulation Authority or the Minister of MLIT in cases pertaining to the shipment prescribed in Article 59 (1), in accordance with the classifications prescribed in said paragraph; the Minister of MLIT in cases pertaining to shipment via vessel or aircraft),

(ii) A storage contractor: The Nuclear Regulation Authority.

(Designation of Specified Nuclear Facilities)

Article 64-2

(1) In the case that a licensee of nuclear energy activity, etc. has taken the measures set forth in paragraph (1) of the preceding Article (including measures taken upon receiving an order pursuant to the provision of paragraph (3) of said Article) at the refining facility, fuel facility, research and test reactor facility, power reactor facility, spent fuel interim storage facility, reprocessing facility, waste disposal facility, waste storage facility, or usage facility that he/she installed, when the Nuclear Regulation Authority finds it particularly necessary to manage said installed facility in an appropriate manner in accordance with the situation of said facility, in

order to prevent disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, or to protect specified nuclear fuel material, it may designate said facility as a facility requiring special measures for operational safety or physical protection of specified nuclear fuel material (hereinafter referred to as a "specified nuclear facility").

(2) When the Nuclear Regulation Authority has designated a specified nuclear facility, it shall immediately require the licensee of nuclear energy activity, etc. pertaining to said specified nuclear facility (referred to as the "licensee of the specified nuclear facility, etc." in the following Article) to submit a plan to implement measures for operational safety or physical protection of specified nuclear fuel material (hereinafter referred to as an "implementation plan") with regard to said specified nuclear facility, while indicating matters for which the measures should be taken and the time limit therefor.

(3) When the Nuclear Regulation Authority finds that the grounds for the designation prescribed in paragraph (1) no longer exist with regard to the relevant specified nuclear facility, it shall rescind the designation prescribed in said paragraph with regard to said specified nuclear facility.

(4) When the Nuclear Regulation Authority has designated a specified nuclear facility pursuant to the provision of paragraph (1) or has rescinded a designation of a specified nuclear facility pursuant to the provision of the preceding paragraph, it shall place a public announcement in the Official Gazette.

(Implementation Plan)

Article 64-3

(1) When the designation set forth in paragraph (1) of the preceding Article has been granted, a licensee of the specified nuclear facility, etc. shall create an implementation plan with regard to the matters indicated pursuant to the provision of paragraph (2) of said Article and submit the plan to the Nuclear Regulation Authority by the time limit indicated pursuant to the provision of said paragraph to obtain the approval thereof.

(2) The licensee of the specified nuclear facility, etc. who has obtained the approval set forth in the preceding paragraph shall obtain the approval of the Nuclear Regulation Authority when he/she intends to amend the approved implementation plan.

(3) When the Nuclear Regulation Authority finds that the implementation plan is not sufficient for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, or for protecting specified nuclear fuel material, it shall not grant the approval set forth in the two preceding paragraphs.

(4) When the Nuclear Regulation Authority finds it necessary for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, or for protecting specified nuclear fuel material, it may order the relevant licensee of the specified nuclear facility, etc. to amend the implementation plan.

(5) Any licensee of the specified nuclear facility, etc. shall implement measures for the operational safety of specified nuclear facilities or for the physical protection of specified nuclear fuel material in compliance with an implementation plan.

(6) When the Nuclear Regulation Authority finds that measures for the operational safety of specified nuclear facilities or for the physical protection of specified nuclear fuel material are in violation of the provision of the preceding paragraph or are not sufficient for preventing disasters resulting from nuclear fuel material, material contaminated by nuclear fuel material, or reactors, or for protecting specified nuclear fuel material, it may order the relevant licensee of the specified nuclear facility, etc. to take measures necessary for the operational safety of specified nuclear facilities or for the physical protection of specified nuclear fuel material.

(7) Any licensee of the specified nuclear facility, etc. shall undergo an inspection conducted by the Nuclear Regulation Authority, as provided for in the implementation plan, regarding whether the measures for the operational safety of specified nuclear facilities or for the physical protection of specified nuclear fuel material are implemented in compliance with the implementation plan.

(8) The provisions of paragraphs (6) to (8) of Article 12 shall apply *mutatis mutandis* to an inspection set forth in the preceding paragraph. In this case the term "the preceding paragraph" in paragraph (6) of said Article shall be deemed to be replaced with "Article 64-3 (7)" and the term

"the matters listed below as specified by the Ordinance of the NRA" shall be deemed to be replaced with "the matters listed below as specified by the Nuclear Regulation Authority."

(Special Provisions for Specified Nuclear Facilities)

Article 64-4

Only where it is ensured that measures for operational safety or physical protection of specified nuclear fuel material are implemented properly in compliance with the implementation plan, shall it be allowed to apply only part of the provisions of this Act to specified nuclear facilities, pursuant to the provisions of Cabinet Order. In this case, necessary matters shall be specified by Cabinet Order.

(Allegation to the Nuclear Regulation Authority)

Article 66

(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 Nuclear Regulation Authority.

(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 Nuclear Regulation Authority, the Nuclear Regulation Authority, 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 nuclear source material users, persons using international controlled material and international specified activities implementers) to submit a report relating to his/her activity, in accordance with the classifications for licensees of nuclear energy activity, etc. listed in the items of Article 64 (3) (notwithstanding said classifications set forth in the items of said paragraph, the Nuclear Regulation Authority 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 prescribed 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 operational safety programs 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 Nuclear Regulation Authority 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, they may request, within the limit necessary for enforcing this Act, the relevant licensee of nuclear energy activity, etc. who has installed and conducted maintenance and inspection of a refining facility, fuel facility, reactor facility, spent fuel interim storage facility, reprocessing facility, waste disposal facility, waste storage facility or usage facility, etc., to submit a necessary report.

(3) The Nuclear Regulation Authority may, in addition to the collection of reports pursuant to the provision of paragraph (1), request a necessary report from the relevant person who has obtained the designation for the type of specified equipment with certified type design pursuant to the provision of Article 43-3-31 (1) or the relevant person who has obtained the designation for the type of specified container, etc. with certified type design pursuant to the provision of Article 43-26-3 (1), within the limit necessary for enforcing the provisions of Article 43-3-31 (1) and Article 43-26-3 (1).

(4) The Nuclear Regulation Authority and the Minister of MLIT may, in addition to the collection of reports pursuant to the provisions of paragraph (1), request the relevant 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 Nuclear Regulation Authority may, in addition to the collection of reports pursuant to the provision of paragraph (1), request the relevant 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 specified by Cabinet Order, within the limit necessary for making a report or explanation to the International Atomic Energy Agency pursuant to the provisions of additional protocols.

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

Article 67-2

(1) A nuclear facility inspector, nuclear safety inspector and physical protection inspector shall be assigned in the Nuclear Regulation Authority.

(2) The nuclear facility inspector shall engage in affairs pertaining to 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 43-3-11 (1), Article 43-3-12 (1) or (4), Article 43-3-15, Article 43-9 (1), Article 43-10 (1) or (4), Article 43-11 (1), Article 46 (1), Article 46-2 (1) or (4), Article 46-2-3 (1), Article 51-8 (1), Article 51-9 (1) or (4), Article 51-10 (1), Article 55-2 (1), Article 55-3 (1), or Article 64-3 (7) (limited to the portion pertaining to facilities) or the examination set forth in Article 43-3-13 (3) or Article 43-3-16 (4).

(3) The nuclear safety inspector shall engage in affairs pertaining to the inspection set forth in Article 12 (5), Article 22 (5), Article 37 (5), Article 43-3-24 (5), Article 43-20 (5), Article 50 (5), Article 51-18 (5), Article 56-3 (5), or Article 64-3 (7) (limited to the portion pertaining to measures for operational safety).

(4) The physical protection inspector shall engage in affairs pertaining 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 43-3-27 (2), Article 43-25 (2), Article 50-3 (2), Article 51-23 (2), and Article 57-2 (2)) or Article 64-3 (7) (limited to the portion pertaining to measures for physical protection of specified nuclear fuel material).

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

(On-site Inspections, etc.)

Article 68

(1) The Nuclear Regulation Authority, the Minister of MLIT or the prefectural public safety commission may, within the limit necessary for enforcing this Act (for the Nuclear Regulation Authority or the Minister of MLIT, the provisions of this Act in accordance with the classifications for licensees of nuclear energy activity, etc. listed in the items of Article 64 (3) (the Nuclear Regulation Authority for nuclear source material users, international controlled material users, persons prescribed in the items of Article 61-3 (1) in the case that any of said items are applicable, and persons prescribed in paragraphs (5), (6), (8) and (9) of said Article and international specified activities implementers, notwithstanding said classifications set forth in the items of Article 64 (3)); for the prefectural public safety commission, the provision of Article 59 (6)), allow their official (a police official in the case of the 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 prescribed in the items of Article 61-3 (1) in the case that any of said items are applicable, persons prescribed 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 Nuclear Regulation Authority may, within the limit necessary for enforcing this Act, allow its official to enter the office, factory or place of activity of any person welding a facility prescribed in Article 16-4 (1), Article 28-2 (1), Article 43-3-13 (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 Nuclear Regulation Authority may, in addition to the on-site inspection prescribed in paragraph (1), allow its official to enter the office, factory, or place of activity of a person who designs or constructs nuclear facilities (excluding refining facilities and usage facilities; hereinafter the same shall apply in this paragraph) or manufactures equipment of nuclear facilities or of other people concerned, inspect books, documents and any other necessary property, or question the people concerned, within the limit necessary for enforcing the provisions of Article 16-2 (1), Article 16-3 (1), Article 16-4 (1), Article 16-5 (1), Article 22 (5), Article 27 (1), Article 28 (1), Article 28-2 (1), Article 29 (1), Article 37 (5), Article 43-3-9 (1), Article 43-3-10 (1), Article 43-3-11 (1), Article 43-3-12 (1), Article 43-3-13 (1), Article 43-3-15, Article 43-3-16 (1), Article 43-3-24 (5), Article 43-3-31 (1), Article 43-8 (1), Article 43-9 (1), Article 43-10 (1), Article 43-11 (1), Article 43-20 (5), Article 43-26-3 (1), Article 45 (1), Article 46 (1), Article 46-2 (1), Article 46-2-3 (1), Article 50 (5), Article 51-7 (1), Article 51-8 (1), Article 51-9 (1), Article 51-10 (1) and Article 51-18 (5).

(4) The Nuclear Regulation Authority may, in addition to the on-site inspection prescribed in paragraph (1), and within the limit necessary for enforcing the provision of Article 62 (1), allow its 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.

(5) The Nuclear Regulation Authority may, in addition to the on-site inspection prescribed in paragraph (1), and within the limit necessary for providing an explanation to the International Atomic Energy Agency pursuant to the provisions of additional protocols or for ensuring the implementation of an on-site inspection pursuant to the provision of paragraph (9), allow its 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.

(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) The authority pursuant to the provisions of paragraphs (1) to (5) shall not be construed as one that is authorized for a criminal investigation.

(8) 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 Nuclear Regulation Authority) or a safeguards inspector who conducts safeguards inspections pursuant to the provision of Article 61-23-7 (2), and within the scope provided for in international agreements, enter the office, factory or place of activity of any international controlled material user, any person prescribed in the items of Article 61-3 (1) in the case that any of said items are applicable or any person prescribed 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.

(9) 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 Nuclear Regulation Authority (in cases specified by Cabinet Order, an official designated by the Nuclear Regulation Authority and an official designated by the Minister of Foreign Affairs; hereinafter the same shall apply in paragraph (14)), 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.

(10) 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.

(11) The Nuclear Regulation Authority may, within the limit necessary for implementing safeguards based on safeguards agreements, and pursuant to the provisions of the Ordinance of the NRA, allow its official to affix any seals or install any devices necessary for monitoring the movement of international controlled material in the premises of the factory or place of activity of any person using international controlled material.

(12) The Nuclear Regulation Authority may, in addition to affixing any seals or installing any devices pursuant to the provision of the preceding paragraph, and within the limit necessary for implementing safeguards based on additional protocols, allow its 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.

(13) A person designated by the International Atomic Energy Agency may, under the attendance of an official designated by the Nuclear Regulation Authority 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 in the premises of the factory or place of activity of any person using international controlled material.

(14) A person designated by the International Atomic Energy Agency may, in addition to affixing any seals or installing any devices pursuant to the provision of the preceding paragraph, and under the attendance of an official designated by the Nuclear Regulation Authority, 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.

(15) No person shall remove or damage any seal or device affixed or installed pursuant to the provisions of paragraphs (11) to the preceding paragraph without justifiable grounds.

(Secrecy Obligation)

Article 68-2

(1) Any licensee of nuclear energy activity, etc. (including a person entrusted with shipment from a licensee of nuclear energy activity, etc. and storage contractor; hereinafter the same shall apply in the following paragraph), any employee of a licensee of nuclear energy activity, etc. and any person who was previously a licensee of nuclear energy activity, etc. or an employee of one shall not, without justifiable grounds, divulge any secret that he/she has learned with respect to the physical protection of specified nuclear fuel material.

(2) Any person who has been entrusted with work related to the physical protection of specified nuclear fuel material from the State or a licensee of nuclear energy activity, 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 the physical protection of specified 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 specified nuclear fuel material in the course of duties shall not, without justifiable grounds, divulge this secret.

(Special Provisions for Hearings)

Article 69

(1) When the Nuclear Regulation Authority intends to issue an order for suspending the activity, suspending the operation of research and test reactors or power reactors, suspending the use of nuclear fuel material or international controlled material, or suspending all or part of information processing work prescribed in Article 10 (2), Article 20 (2), Article 33 (2), Article 43-3-20 (2),

Article 43-16 (2), Article 46-7 (2), Article 51-14 (2), Article 56, Article 61-6 or Article 61-21, they 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 43-3-28 (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 43-3-20, 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 the 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. may apply for examination pursuant to the provisions of the Administrative Appeal Act (Act No. 160 of 1962) to the Nuclear Regulation Authority.

(2) A lawsuit for revocation of a disposition pursuant to the provisions 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 provisions of this Act.

(Opinion, etc. Regarding Permission, etc.)

Article 71

(1) When the Nuclear Regulation Authority grants the permission pursuant to the provision of Article 23 (1), Article 23-2 (1), Article 26 (1), Article 26-2 (1), Article 39 (1) or (2), Article 43-3-35 (1), Article 43-3-8 (1), or Article 43-3-25 (1), or grants the approval pursuant to the provision of Article 31 (1) or Article 43-3-18 (hereinafter referred to as "where granting the permission, etc." in this paragraph), it shall, in accordance with the classifications for cases listed in the following items, hear the opinion of the minister prescribed respectively in said items in advance:

(i) Where granting the permission, etc. pertaining to power reactors: the Minister of METI; (where granting the permission pertaining to research and test reactors: the Minister of MEXT and the Minister of METI)

(ii) Where granting the permission, etc. pertaining to reactors installed on a vessel: The Ministry of Land, Infrastructure, Transport and Tourism; (where granting the permission pertaining to research and test reactors: The Minister of MEXT and the Minister of MLIT)

(iii) Where granting the permission, etc. pertaining to research and test reactors (excluding those prescribed in the two preceding items): The Minister of MEXT.

(2) When the Nuclear Regulation Authority grants the designation pursuant to the provision of Article 3 (1) or Article 44 (1), grants the permission pursuant to the provision of Article 6 (1), Article 13 (1), Article 16 (1), Article 43-4 (1), Article 43-7 (1), Article 44-4 (1), Article 51-2 (1), Article 51-5, (1), or Article 51-19 (1), or grants the approval pursuant to the provision of Article 8 (1), Article 18 (1), Article 43-14 (1), Article 46-5 (1), or Article 51-12 (1), it shall hear the opinion of the Minister of METI in advance.

(3) The Minister of MEXT, the Minister of METI or the Minister of MLIT may, when he/she finds it particularly necessary to conduct an investigation relating to the matters for which he/she was requested to state his/her opinion as set forth in the two preceding paragraphs, request the

relevant licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, operator of a foreign nuclear vessel, licensee of power reactor operation, licensee of spent fuel interim storage activity, licensee of reprocessing activity, or licensee of radioactive waste disposal or storage activity (including any applicant for the designation set forth in Article 3 (1) or Article 44 (1) or the permission set forth in Article 13 (1), Article 23 (1), Article 23-2 (1), Article 39 (1) or (2), Article 43-3-5 (1), Article 43-3-25 (1), Article 43-4 (1), or Article 51-2 (1)) to submit any necessary reports, or allow their official to enter the office, factory or place or activity of said licensee of refining activity, licensee of fabricating or enrichment activity, licensee of research and test reactor operation, operator of a foreign nuclear vessel, licensee of power reactor operation, licensee of spent fuel interim storage activity, licensee of reprocessing activity, or licensee of radioactive waste disposal or storage activity, inspect books, documents and any other necessary property, and question the people concerned.

(4) The provisions of Article 68 (6) and (7) shall apply mutatis mutandis to an on-site inspection pursuant to the provision of the preceding paragraph.

(5) When the Nuclear Regulation Authority makes a disposition pursuant to the provision of Article 33, Article 36 (1), Article 43-3-8 (6), Article 43-3-20, Article 43-3-23 (1), or Article 64 (3) (limited to an order for suspending the use of research and test reactor facilities in the case of the disposition pursuant to the provision of Article 36 (1), an order suspending the use of power reactor facilities in the case of the disposition pursuant to the provision of Article 43-3-23 (1), and an order suspending the use of research and test reactor facilities or power reactor facilities in the case of the disposition pursuant to the provision of Article 64 (3)), it shall notify the minister prescribed respectively in the items of paragraph (1) in accordance with the classifications for cases listed in said items in advance.

(6) In addition to the matters specified by this Act, notifications to the Nuclear Regulation Authority, the Minister of METI or the Minister of MLIT and any other procedures in the case that the Nuclear Regulation Authority or the Minister of MLIT has made a disposition, received a notification or taken any other act (limited to those specified by 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 Nuclear Regulation Authority grants the approval set forth in Article 12-2 (1), Article 22-6 (1), Article 43-2 (1), Article 43-3-27 (1), Article 43-25 (1), Article 50-3 (1), Article 51-23 (1), Article 57-2 (1), or Article 64-3 (1) or (2) (limited to the approval pertaining to measures necessary for the physical protection of specified nuclear fuel material), it shall hear the opinion of the National Public Safety Commission or the Commandant of the Japan Coast Guard in advance, pursuant to the provisions of Cabinet Order.

(2) When the National Public Safety Commission or the Commandant of the Japan Coast Guard finds it particularly necessary for maintaining public safety or for maintaining maritime safety, said Commission or Commandant may, pursuant to the provisions of Cabinet Order, state their opinion to the Nuclear Regulation Authority for matters related to the enforcement of the provisions 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 43-2 (2), Article 43-3-27 (2), Article 43-25 (2), Article 50-3 (2), Article 51-23 (2), and Article 57-2 (2)), Article 12-3 (1), Article 21-2 (2), Article 22-7 (1), Article 35 (2), Article 43-3 (1), Article 43-3-22 (2), Article 43-3-28 (1), Article 43-18 (2), Article 43-26 (1), Article 48 (2), Article 50-4 (1), Article 51-16 (4), Article 51-24 (1), Article 57 (2), Article 57-3 (1), Article 60 (2), or Article 64-3 (5).

(3) The National Public Safety Commission or the Commandant of the Japan Coast Guard may, within the limit necessary for enforcing the provisions 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 (7) shall apply mutatis mutandis to on-site inspections pursuant to the provision of the preceding paragraph.

(5) When the Nuclear Regulation Authority has granted the designation set forth in Article 3 (1), Article 44 (1) or Article 64-2 (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 43-3-5 (1), Article 43-3-8 (1), Article 43-3-25 (1), 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 the designation pursuant to the provision of Article 10, Article 46-7, or Article 64-2 (3), rescinded the permission pursuant to the provision of Article 20, Article 33, Article 43-3-20, Article 43-16, Article 51-14 or Article 56, granted the approval set forth in Article 12-2 (1), Article 22-6 (1), Article 43-2 (1), Article 43-3-27 (1), Article 43-25 (1), Article 50-3 (1), Article 51-23 (1), Article 57-2 (1), or Article 64-3 (1) or (2), 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 43-3-33 (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 43-3-34 (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 43-3-27 (2), Article 43-25 (2), Article 50-3 (2), Article 51-23 (2) and Article 57-2 (2)) or Article 64-3 (7), 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 43-3-28 (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), it 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 Nuclear Regulation Authority and the Minister of MLIT shall cooperate together with respect to the regulations for the physical protection of specified 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 prescribed 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 Nuclear Regulation Authority.

(2) When the Nuclear Regulation Authority has carried out the confirmation set forth in Article 61-2 (1) or granted the approval set forth in paragraph (2) of said Article, it shall, without delay, liaise with the Minister of the Environment.

(3) The Nuclear Regulation Authority 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.

Article 73

Deletion [Act No. 47 of June 2012]

(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 material 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.

(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 43-3-5 (1), Article 43-3-8 (1), Article 43-3-25 (1), 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 43-3-33 (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 43-3-34 (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 43-3-9 (1) or (2), Article 43-3-32 (4), Article 43-3-33 (2), Article 43-3-34 (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 43-3-11 (1), Article 43-3-12 (1) or (4), Article 43-3-15, Article 43-9 (1), Article 43-10 (1) or (4), Article 43-11 (1), Article 46 (1), Article 46-2 (1) or (4), Article 46-2-3 (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 undergo the examination set forth in Article 43-3-13 (3) or Article 43-3-16 (4),
 - (vi) 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 43-3-33 (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 43-3-34 (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),
 - (vii) A person who intends to obtain the type certification set forth in Article 43-3-30 (1) or Article 43-26-2 (1), or the designation set forth in Article 43-3-31 (1) or Article 43-26-3 (1),
 - (viii) 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),
 - (ix) 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 the national treasury.
- (3) The provision of paragraph (1) shall not apply to an incorporated administrative agency prescribed 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 and the provisions 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 research and test 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 research and test reactors pursuant to the provision of Article 33 (2),
- (vi) A person who has received research and test reactors or entire facilities that include research and test reactors (including nuclear vessels) without obtaining the permission set forth in Article 39 (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 installed a power reactor without obtaining the permission set forth in Article 43-3-5 (1),
- (vi)-3 A person who has violated an order for suspension of the operation of power reactors pursuant to the provision of Article 43-3-20 (2),
- (vi)-4 A person who has received a power reactor or entire facilities that include a power reactor without obtaining the permission set forth in Article 43-3-25 (1),
- (vi)-5 A person who has carried out the activity of interim storage of spent fuel 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),
- (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 the permission must be obtained pursuant to the provision of Article 6 (1), has, without obtaining the permission set forth in said paragraph, changed a matter listed 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 43-3-23 (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 specified 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 43-3-24 (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 43-3-24 (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 43-3-24 (6), Article 43-20 (6), Article 50 (6), Article 51-18 (6), Article 56-3 (6), or Article 64-3 (8)), 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 43-3-27 (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 43-3-27 (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 43-3-27 (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 43-3-28 (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 measures in violation of the provision of Article 12-6 (2), Article 22-8 (2), Article 43-3-2 (2), Article 43-3-33 (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 43-3-33 (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 43-3-34 (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 43-3-34 (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 43-3-34 (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 the permission must be obtained pursuant to the provision of Article 16 (1), has, without obtaining the permission set forth in said paragraph, changed a matter listed in item (ii), (iii), (v), or (vi) of Article 13 (2),
- (vii) A person who has used fuel 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 43-3-15, Article 43-11 (1), Article 46-2-3 (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 43-3-23 (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 specified 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 the permission must be obtained pursuant to the provision of Article 26 (1), has, without obtaining the permission set forth in said paragraph, changed a matter listed in items (ii) to (v) or (viii) of Article 23 (2),
- (xi) A person who has changed or maintained the matters as set forth in Article 26-2 (1) without obtaining the permission set forth in said paragraph,
- (xii) A person who has used research and test 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 research and test reactor in violation of the provision of Article 43-3-2 (1),
- (xiii)-3 A person who, with regard to a matter for which the permission must be obtained pursuant to the provision of Article 43-3-8 (1), has, without obtaining the permission set forth in said paragraph, changed a matter listed in items (ii) to (v) or (viii) to (x) of Article 43-3-5 (2),
- (xiii)-4 A person who has used power reactor facilities in violation of the provision of Article 43-3-11 (1),
- (xiii)-5 A person who has used a fuel assembly in violation of the provision of Article 43-3-12 (1) or (4),
- (xiii)-6 A person who has not recorded matters, has made false records, or has not kept records, or has not made the report or has made a false report, in violation of the provision of Article 43-3-13 (1), or Article 43-3-16 (1) or (3),
- (xiii)-7 A person who has refused, obstructed or challenged an examination pursuant to the provision of Article 43-3-13 (3) or Article 43-3-16 (4),
- (xiii)-8 A person who has violated the provision of Article 43-3-26 (1),
- (xiii)-9 A person who has abolished a power reactor in violation of the provision of Article 43-3-33 (1),
- (xiv) A person who, with regard to a matter for which the permission must be obtained pursuant to the provision of Article 43-7 (1), has, without obtaining the permission set forth in said paragraph, changed a matter listed in items (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 activity of interim storage of spent fuel in violation of the provision of Article 43-27 (1),
- (xvii) A person who, with regard to a matter for which the permission must be obtained pursuant to the provision of Article 44-4 (1), has, without obtaining the permission set forth in said paragraph, changed a matter listed in items (ii) to (iv) or (vi) to (viii) 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 the permission must be obtained pursuant to the provision of Article 51-5 (1), has, without obtaining the permission set forth in said paragraph, changed a matter listed in items (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) or (4),
- (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 items (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 prescribed 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,

(xxvii)-2 A person who has not submitted an implementation plan in violation of the provision of Article 64-3 (1),

(xxvii)-3 A person who has violated an order pursuant to the provision of Article 64-3 (4),

(xxvii)-4 A person who has violated an order pursuant to the provision of Article 64-3 (6),

(xxviii) A person who has violated the provision of Article 66 (2),

(xxix) A person who has not made 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 made 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 of Article 61-3 (1) in the case that said items apply, persons prescribed 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,

(xxxi) A person who has violated the provision of Article 68-2,

(xxxii) 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 prescribed 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 43-3-21, Article 43-17, Article 47, Article 51-15 or Article 56-2,

(ii) A person who has placed a reactor vessel in a port without making a notification pursuant to the 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 the confirmation pursuant to the provision of Article 51-6,

(iii)-2 A person who has taken closure measures without obtaining the 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 the 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 the 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),
- (xiv) A person who has violated the conditions set forth in 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 items (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 items (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 (15),
- (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 made the report set forth in Article 67 (excluding paragraph (1) (excluding the portion pertaining to nuclear source material users, persons using international controlled material and international specified activities implementers)) or has made a false report,
- (xi) A person who has refused, obstructed or 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 prescribed in the items of Article 61-3 (1) in the case that said items apply, persons prescribed in paragraphs (5), (6), (8) and (9) of said Article and international specified activities implementers), (2) to (5), or (8), or has not given a statement or has given a false statement in response to a question,

(xii) A person who has refused, obstructed or challenged an entrance, inspection or submission of samples pursuant to the provision of Article 68 (9).

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,

(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,

(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

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 to be installed on a vessel (excluding a reactor being in the stage of research and development) and a reactor other than power reactors (hereinafter referred to as "licensee of research and test reactor operation") in this Article), item (iv)-2, item (v) (excluding the portion pertaining to licensees of research and test reactor operation), or items (vi) to (vii)-3 of Article 77: Fine of not more than three hundred million yen,

(ii) Item (i), item (ii) (excluding the portion pertaining to licensees of research and test reactor operation and users), item (iii) (excluding the portion pertaining to licensees of research and test reactor operation and users), item (iv) (excluding the portion pertaining to licensees of research and test reactor operation and users), item (vi), item (vii), item (viii) (excluding the portion pertaining to licensees of research and test reactor operation), item (viii)-2 (excluding the portion pertaining to licensees of research and test reactor operation and users), item (x) (excluding the portion pertaining to licensees of research and test reactor operation), item (xi), item (xii) (excluding the portion pertaining to licensees of research and test reactor operation), items (xiii)-3 to (xiii)-7, item (xiv), item (xv), item (xvii), item (xviii), item (xx), item (xxi), item (xxvi)-2 (excluding the portion pertaining to licensees of test and research reactor operation and users), items (xxvii)-2 to (xxvii)-4, item (xxviii) (excluding the portion pertaining to licensees of research

and test reactor operation and users), item (xxix) (excluding the portion pertaining to licensees of research and test reactor operation and users), or item (xxx) (excluding the portion pertaining to licensees of research and test reactor operation and users) of Article 78: Fine of not more than one hundred million yen,

(iii) Article 77 (excluding the portion pertaining to the provisions listed in item (i)), Article 78 (excluding the portion pertaining to the provisions listed in the preceding item), Article 79 or Article 80: Fine prescribed in the respective Articles.

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 43-3-28 (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),

(iv-2) A person who has not made a notification pursuant to the provision of Article 22-7-2 (3), Article 43-3-29 (3), or Article 50-4-2 (3), or has made a false notification,

(iv-3) A person who has violated an order pursuant to the provision of Article 22-7-2 (4), Article 43-3-29 (4), or Article 50-4-2 (4),

(iv-4) A person who has not publicized the results of the evaluation, etc. pursuant to the provision of Article 22-7-2 (5), Article 43-3-29 (5), or Article 50-4-2 (5), or has publicized false information.

(v) A person who has not made a notification pursuant to the provision of Article 30, Article 43-3-17, Article 43-13 or Article 46-4, or has made a false notification,

(vi) A person who has neglected to make a notification pursuant to the provision of Article 40 (2) (including the cases where applied mutatis mutandis pursuant to Article 43-3-26 (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),

(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 43-3-8 (3), Article 43-3-19 (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 Provisions 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 specified by 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) Where 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 (4)) or Article 81 (limited to the portion pertaining to Article 62 (1), Article 67 (1) and (4) and Article 68 (1) and (4)),

(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 prescribed in said item.

(2) The matters that shall be announced pursuant to the provision of 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 provisions 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,

(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 classifications, manners and other conditions of the incidents and in compliance with the standards specified by the competent minister, pursuant to the provisions of 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 provisions of 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 of 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 by 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.