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## **Act on the Establishment of the Nuclear Regulation Authority**

### **(Purpose)**

#### Article 1

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

### **(Establishment)**

#### Article 2

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

### **(Mission)**

#### Article 3

The mission of the Nuclear Regulation Authority shall be to ensure safety in the use of nuclear energy (the mission shall include affairs concerning refining activities, fabricating and enrichment activities, interim storage activities, reprocessing activities and waste disposal activities concerning nuclear energy, as well as regulations on reactors, and affairs concerning regulations for implementing safeguards based on international commitments, and other regulations for ensuring

the peaceful use of nuclear energy) for the purpose of contributing to the protection of the life, health, and property of the citizens, preservation of the environment, and national security of Japan.

### **(Affairs under the Jurisdiction)**

#### Article 4

(1) In order to achieve the objectives set forth in the preceding Article; the Nuclear Regulation Authority (NRA) shall be in charge of the following affairs:

- (i) Matters concerning the ensuring of safety in the use of nuclear energy;
- (ii) Matters concerning safety in connection with businesses related to the refining, processing, storage, reprocessing, and disposal of nuclear materials; the regulation of nuclear reactors; and other matters concerning safety in relation to these.
- (iii) Matters concerning the regulation of the use of nuclear source material and nuclear fuel material, and the ensuring of safety related thereto;
- (iv) Matters concerning regulations for the implementation of safeguards based on international agreements and for ensuring the peaceful use of nuclear energy;
- (v) Matters concerning the prevention of hazards caused by radiation;
- (vi) Matters concerning the protection of nuclear fuel material, radioisotopes, and other radioactive substances;
- (vii) Matters concerning the formulation and promotion of basic policies on the monitoring and measurement of levels of radioactive substances or radiation, and matters concerning budget allocation plans related to relevant administrative organs.
- (viii) Matters concerning the monitoring and measurement conducted to ascertain levels of radioactivity;
- (ix) Matters concerning the training and development of researchers and technicians engaged in ensuring safety in the use of nuclear energy (excluding education and research at universities);
- (x) Matters concerning the coordination of administrative functions among relevant administrative organs for the protection of nuclear fuel material, radioisotopes, and other radioactive substances;
- (xi) Matters concerning investigations to determine the causes of accidents arising from the operation of reactors, etc. (meaning the operation of reactors, etc. as defined in Article 2, paragraph (1) of the Act on Compensation for Nuclear Damage (Act No. 147 of 1961); hereinafter referred to as "nuclear accidents") and the causes of damage caused by nuclear accidents;
- (xii) Matters concerning international cooperation related to the matters under its jurisdiction;
- (xiii) Matters concerning the surveys and research necessary to carry out the matters listed in the preceding items;
- (xiv) In addition to the matters listed in the preceding items, other matters assigned to the NRA pursuant to laws or orders based thereon.

(2) If the NRA finds it necessary to perform the matters under its jurisdiction, it may make recommendations to the heads of relevant administrative organs concerning matters related to ensuring safety in the use of nuclear energy and may request reports on the measures taken pursuant to such recommendations.

### **(Exercise of Authority)**

#### Article 5

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

**(Organization)**

Article 6

- (1) The Nuclear Regulation Authority shall be composed of the Chairman and four Commissioners.
- (2) The Chairman shall preside over the affairs of the Nuclear Regulation Authority and represent it.
- (3) In the event that the Chairman has an accident or there is a vacancy in the office of Chairman, a previously designated Commissioner shall substitute for the Chairman.

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

Article 7

- (1) The Chairman and the Commissioners shall be appointed by the Prime Minister upon obtaining the consent of both Houses of the Diet, from among persons who are of noble character and have excellent knowledge and experience concerning the ensuring of safety in the use of nuclear energy.
- (2) The appointment or dismissal of the Chairman shall be certified by the Emperor.
- (3) In the case where a declaration of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 156 of 1999) or there are other circumstances requiring urgency in particular, during a Diet session, and where the offices of Chairman and the Commissioner who is to substitute the Chairman under paragraph (3) of the preceding Article are both vacant (hereinafter referred to as a "case requiring an emergency appointment" in this paragraph), and when both Houses or either House of the Diet failed to make any resolution on their consent regarding the Chairman within ten days, excluding the period of adjournment of the Diet or the Houses, from the day on which their consent was sought pursuant to the provisions of paragraph (1) by attaching a document stating that it is a case requiring an emergency appointment (or when their consent regarding the Chairman had been sought pursuant to the provisions of said paragraph and the situation later came to fall under a case requiring an emergency appointment, from the day on which they received a notice to that effect) (excluding the case where either House of the Diet has made a resolution that it would not give said consent), the Prime Minister may appoint the Chairman from among those who are qualified as prescribed in said paragraph, notwithstanding the provisions of said paragraph.
- (4) In the case referred to in the preceding paragraph, when a declaration of the cancellation of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (4) of the Act on Special Measures Concerning Nuclear Emergency Preparedness or other circumstances requiring urgency in particular have disappeared, the ex post facto consent of both Houses of the Diet shall be obtained promptly. In this case, if the ex post facto

- consent of both Houses of the Diet cannot be obtained during the Diet session in which such consent is sought, the Prime Minister shall dismiss the Chairman immediately.
- (5) In the case where the term of office of the Chairman or a Commissioner expires or a position becomes vacant, and when the consent of both Houses of the Diet cannot be obtained due to the closing of the Diet or the dissolution of the House of Representatives, the Prime Minister may appoint the Chairman or a Commissioner from among those who are qualified as prescribed in paragraph (1), notwithstanding the provisions of said paragraph.
- (6) The provisions of paragraph (4) shall apply mutatis mutandis in the case referred to in the preceding paragraph. In this case, in paragraph (4), the phrase "the preceding paragraph" shall be deemed to be replaced with "the following paragraph"; the part "when a declaration of the cancellation of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (4) of the Act on Special Measures Concerning Nuclear Emergency Preparedness or other circumstances requiring urgency in particular have disappeared, the ex post facto consent of both Houses of the Diet shall be obtained promptly" shall be deemed to be replaced with "the ex post facto consent of both Houses of the Diet shall be obtained in the first session of the Diet after the appointment (or with regard to the ex post facto consent concerning the Chairman in the case where a declaration of a nuclear emergency situation has been issued pursuant to the provisions of Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness or there are other circumstances requiring urgency in particular and when a notice to that effect has been made to both Houses of the Diet, promptly after said circumstances requiring urgency in particular have disappeared)"; and the term "the Chairman" shall be deemed to be replaced with "the Chairman or the Commissioner."
- (7) A person who falls under any of the following items may not be the Chairman or a Commissioner:
- (i) A person who has not had his/her rights restored after receiving an order for commencement of bankruptcy;
  - (ii) A person sentenced to imprisonment without work or a heavier punishment;
  - (iii) A person engaging in refining activities, fabricating and enrichment activities, interim storage activities, reprocessing activities or waste disposal activities concerning nuclear energy, a licensee of reactor operation, a person who places a foreign nuclear vessel in the water areas of Japan, or a person who uses nuclear source material or nuclear fuel material, or when these persons are juridical persons, an officer thereof (including any person whose actual scope of authority or control is equivalent to or greater than that of an officer regardless of title), or an employee or other person in the service thereof;
  - (iv) An officer of an organization of any person set forth in the preceding item (including any person whose actual scope of authority or control is equivalent to or greater than that of an officer regardless of title), or an employee or other person in the service thereof.

**(Term of Office)**

Article 8

- (1) The terms of office of the Chairman and the Commissioners shall be five years; provided, however, that the term of office of the Chairman or a Commissioner who fills a vacancy shall be the remaining term of his/her predecessor.
- (2) The Chairman and the Commissioners may be reappointed.
- (3) When the terms of office of the Chairman and the Commissioners expire, they shall continuously execute their duties until their successors are appointed.

### **(Dismissal)**

#### Article 9

- (1) The Prime Minister shall dismiss the Chairman or a Commissioner if the Chairman or the Commissioner falls under any of the items of Article 7, paragraph (7).
- (2) The Prime Minister, after hearing the opinions of the Nuclear Regulation Authority and obtaining the consent of both Houses of the Diet, may dismiss the Chairman or a Commissioner, when the minister finds that the Chairman or the Commissioner is incapable of executing his/her duties due to a mental or physical disorder or has committed a violation of his/her obligations in the course of his/her duties or an act unbecoming of the Chairman or a Commissioner of the Nuclear Regulation Authority.

### **(Commission Meetings)**

#### Article 10

- (1) Commission meetings of the Nuclear Regulation Authority shall be convened by the Chairman.
- (2) The Nuclear Regulation Authority may neither hold a Commission meeting nor make a resolution unless the Chairman and two or more Commissioners attend the Commission meeting.
- (3) A resolution of the Nuclear Regulation Authority shall be made by a majority of the attendants, and in the case of a tie, the Chairman shall make a decision.
- (4) Notwithstanding the provisions of the preceding two paragraphs, in any of the cases set forth in the following items, when the Chairman finds that there is no time to convene a Commission meeting due to urgent need in particular or when the quorum for holding a Commission meeting or for making a resolution is not met, the Chairman may provisionally represent the Nuclear Regulation Authority with regard to the matters set forth respectively therein:
  - (i) The case falling under the items of Article 15, paragraph (1) of the Act on Special Measures Concerning Nuclear Emergency Preparedness: Approval of the occurrence of a nuclear emergency situation and report to the Prime Minister under said paragraph, public notice under paragraph (2) of said Article, and submission of a draft of instructions under paragraph (3) of said Article;
  - (ii) During the period from the time when a declaration of a nuclear emergency situation is issued under Article 15, paragraph (2) of the Act on Special Measures Concerning Nuclear Emergency Preparedness up to the time when a declaration of the cancellation of a nuclear emergency situation is issued under paragraph (4) of said Article: Matters concerning emergency response measures prescribed in Article 2, item (v) of the same Act;

- (iii) The case where a notification has been made under the first sentence of Article 105, paragraph (1) of the Act Concerning Measures to Protect Japanese Citizens During Armed Attacks and Others (Act No. 112 of 2004; hereinafter referred to as the "Civil Protection Act" in this paragraph): Report to the director-general of the headquarters (meaning the director-general of the headquarters prescribed in Article 11, paragraph (1) of the Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc. (Act No. 79 of 2003; hereinafter referred to as the "Act on Response to Armed Attack Situations, etc." in this paragraph); the same shall apply in item (v)) and notification to the relevant designated public institutions under paragraph (2) of said Article;
- (iv) The case where the fact prescribed in Article 105, paragraph (1) of the Civil Protection Act exists: Approval of the occurrence of said fact under paragraph (4) of said Article;
- (v) The case where a notification has been made under Article 105, paragraph (3) of the Civil Protection Act: Report to the director-general of the headquarters and notification to the relevant designated public institutions under paragraph (2) of said Article applied mutatis mutandis pursuant to paragraph (4) of said Article, and notification to the competent prefectural governor, competent mayor of a municipality, relevant governors of neighboring prefectures, and nuclear operators (meaning the nuclear operators set forth in Article 2, item (iii) of the Act on Special Measures Concerning Nuclear Emergency Preparedness; the same shall apply hereinafter) under the second sentence of Article 105, paragraph (4) of the Civil Protection Act;
- (vi) The case where armed attack situations, etc. (meaning the armed attack situations, etc. prescribed in Article 1 of the Act on Response to Armed Attack Situations, etc.) have emerged: Issuance of an order to take necessary measures under Article 106 of the Civil Protection Act.
- (5) When the Chairman has provisionally represented the Nuclear Regulation Authority pursuant to the provisions of the preceding paragraph, he/she shall make a report to that effect and concerning the matters for which he/she has represented the Nuclear Regulation Authority at its next Commission meeting, as specified by the Ordinance of the Nuclear Regulation Authority (hereinafter referred to as the "Ordinance of the NRA").
- (6) With regard to the application of the provisions of paragraphs (2) and (4), and the preceding paragraph in the event that the Chairman has an accident or there is a vacancy in the office of the Chairman, the Commissioner who substitutes for the Chairman under Article 6, paragraph (3) shall be deemed to be the Chairman.

**(Service Discipline, etc.)**

Article 11

- (1) The Chairman and the Commissioners shall not divulge any secret which may have come to their knowledge in the course of their duties. This shall also be applied after they have left their position.
- (2) The Chairman and the Commissioners shall neither be an officer of any political party or other political organization nor positively conduct any political activities while they are in office.

- (3) The Chairman and the Commissioners, while they are in office, shall not be engaged in a business by receiving reward, operate any profit-making business, or conduct any activities for the purpose of profit, except when they are permitted by the Prime Minister.
- (4) In order to prevent any act of the Chairman and the Commissioners that may bring about suspicion or distrust from the citizens with regard to the neutrality and fairness of their duties, the Nuclear Regulation Authority shall establish internal norms that the Chairman and the Commissioners are to observe, concerning such matters as the disclosure of information on donations from nuclear operators, etc. for research of the Chairman or the Commissioners, and restrictions on receiving donations from nuclear operators, etc. while being in the office of the Chairman or the Commissioners, and shall make them public. The same shall apply when the Nuclear Regulation Authority has made changes to such internal norms.
- (5) In order to ensure that prompt and appropriate measures can be taken in the event of a nuclear accident, the Nuclear Regulation Authority shall simulate various circumstances that may occur and establish internal norms consisting of the code of conduct that the Chairman and the Commissioners are to observe, including the means to hold a Commission meeting and make a resolution, and shall properly implement them.

#### **(Remuneration)**

##### Article 12

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

#### **(Councils, etc.)**

##### Article 13

- (1) The following committees shall be established under the Nuclear Regulation Authority:  
Reactor Safety Examination Committee;  
Nuclear Fuel Safety Examination Committee.
- (2) In addition to what are prescribed in the preceding paragraph, the Radiation Council shall be established under the Nuclear Authority as separately specified by Acts

#### **(Reactor Safety Examination Committee)**

##### Article 14

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

##### Article 15

- (1) The Reactor Safety Examination Committee shall be composed of examiners, not exceeding the number specified by Cabinet Order.
- (2) The examiners shall be appointed by the Nuclear Regulation Authority from among persons who have relevant knowledge and experience.
- (3) The examiners shall be part-time.
- (4) The term of office of the examiners shall be two years.

- (5) The examiners may be reappointed.

#### Article 16

- (1) The Reactor Safety Examination Committee shall have a committee chair, who shall be elected by the examiners from among themselves.
- (2) The committee chair shall preside over the affairs of the committee.
- (3) In the event that the committee chair has an accident, a previously designated examiner shall substitute for the committee chair.

#### Article 17

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

#### **(Nuclear Fuel Safety Examination Committee)**

##### Article 18

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

##### Article 19

- (1) The Nuclear Fuel Safety Examination Committee shall be composed of examiners, not exceeding the number specified by Cabinet Order.
- (2) The provisions of Article 15, paragraphs (2) to (5), and the provisions of Articles 16 and 17 shall apply mutatis mutandis to the Nuclear Fuel Safety Examination Committee.

#### **(Radiation Council)**

##### Article 20

Regarding the Radiation Council, the provisions of the Act on Technical Standards for Prevention of Radiation Hazard (Act No. 162 of 1958; including orders based thereon) shall apply.

##### Article 21 Deletion

#### **(Emergency Response Measures Committee Members)**

##### Article 22

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

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

### **(Investigations of Nuclear Accidents)**

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

- (i) To collect reports from the relevant nuclear operators, persons who have taken measures to prevent the expansion of damage that has arisen from the nuclear accident, and other related persons involved in the nuclear accident (hereinafter simply referred to as the "persons concerned");
  - (ii) To enter the relevant nuclear sites and other sites of the nuclear accident, the offices of the relevant nuclear operators, and other places deemed necessary, inspect books, documents and any other necessary articles relating to the nuclear accident (hereinafter referred to as the "articles concerned"), question the persons concerned, or request the submission of nuclear source material, nuclear fuel material or any other necessary samples, limited to the minimum amount necessary for examination;
  - (iii) To ask the persons concerned to appear, and to question them;
  - (iv) To ask the owner, possessor, or custodian of the articles concerned to submit said articles or to impound articles submitted;
  - (v) To order the owner, possessor, or custodian of the articles concerned to preserve said articles, or to prohibit them from relocating said articles;
  - (vi) To prohibit persons from entering the relevant nuclear sites and other sites of the nuclear accident, except for those on public duty or those recognized by the Nuclear Regulation Authority as being unlikely to cause any problems.
- (2) When the Nuclear Regulation Authority finds it necessary, it may have the Chairman, the Commissioners, or the officials of its Secretariat make any of the dispositions set forth in the items of the preceding paragraph.
  - (3) A person who makes the disposition set forth in paragraph (1), item (ii) pursuant to the provisions of the preceding paragraph shall carry an identification card certifying his/her status and produce it upon request by any person concerned.
  - (4) The authority to make dispositions pursuant to the provisions of paragraph (1) or (2) shall not be construed as being permitted for criminal investigation.

### **(Reporting to the Diet)**

Article 24

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

### **(Information Disclosure)**

Article 25

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

### **(Establishment of the Ordinance)**

#### Article 26

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

### **(Secretariat of the Nuclear Regulation Authority)**

#### Article 27

- (1) A secretariat shall be placed under the Nuclear Regulation Authority in order to have them handle affairs of the Nuclear Regulation Authority.
- (2) The secretariat set forth in the preceding paragraph shall be called the "Secretariat of the NRA."
- (3) The Secretariat of the NRA shall have a secretary-general and other officials.
- (4) The secretary-general set forth in the preceding paragraph shall be called the "Secretary-General of the Secretariat of the NRA."
- (5) The Secretary-General of the Secretariat of the NRA shall take control of the affairs of the Secretariat in accordance with the orders of the Chairman.
- (6) The provisions of Article 7, paragraphs (3), (4), and (6), and Article 21, paragraphs (1) and (5) of the National Government Organization Act shall apply mutatis mutandis to the internal organization of the Secretariat of the NRA, notwithstanding the provisions of Article 7, paragraph (7) of the same Act. In this case, the term "Ministerial Ordinance" in Article 7, paragraph (6) and Article 21, paragraph (5) of the same Act shall be deemed to be replaced with "Ordinance of the NRA."

### **(Operation of the Nuclear Regulation Authority)**

#### Article 28

In addition to what is provided for in this Act, other necessary matters concerning the operation of the Nuclear Regulation Authority shall be decided by the Nuclear Regulation Authority.

### **(Penal Provisions)**

#### Article 29 F

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

#### Article 30

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

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

#### Article 31

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