

Content

Title :	Enforcement Rules of Nuclear Damage Compensation Law Ch
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Legislative :	1.Promulgated on March 25, 1998 by the Atomic Energy Council of the Executive Yuan (87)-Hui-Zong-Zi-5370
Content :	<p>ENFORCEMENT RULES OF NUCLEAR DAMAGE COMPENSATION LAW</p> <p>Article 1 These Enforcement Rules are enacted pursuant to Article 36 of the Nuclear Damage Compensation Law (hereinafter referred to as the "Law").</p> <p>Article 2 The term "the final process of fabrication" as mentioned in the proviso of Article 3 of the Law refers to the process of fabricating and processing radioisotopes after removal thereof from a nuclear reactor.</p> <p>Article 3 The term "radiation compounded toxic property" as mentioned in Article 8 of the Law refers to the physiological symptom and the successively occurring symptoms jointly caused by radiation injury and chemical toxic injury resulted from exposure to, intake or inhale of radioactive material by the human body.</p> <p>Article 4 The financial guarantee stipulated in Chapter III of the Law refers to the following guarantees deposited in a designated account established by a nuclear installation operator at any bank or at a bank designated by the government treasury: 1. Cash; 2. Government Bond, Treasury Note; 3. Cashier's Check, Bank Guaranteed Check or Certificate of Deposit. The designated account in the preceding paragraph shall be jointly established by the nuclear installation operator and the Atomic Energy Council of the Executive Yuan.</p> <p>Article 5 With respect to the yields accrued on the guarantee deposited by a nuclear installation operator in accordance with the first paragraph of the preceding Article, the nuclear installation operator may, after the approval of the Atomic Energy Council of the Executive Yuan, withdraw the excess of the guarantee including the yields over the amount required to be deposited.</p> <p>Article 6 When reporting its liability insurance or financial guarantee in accordance with the first paragraph of Article 25 of the Law, the nuclear installation operator shall</p>

submit the following information to the Atomic Energy Council of the Executive Yuan for approval:

1. Name and address of the applicant ; in the event of a juridical person, the name and address of the juridical person and the name of its representative;
 2. Type of nuclear installation;
 3. Name and address of nuclear installation;
 4. with respect to the operation of a nuclear reactor, the thermal power output shall be specified;
 5. For an installation producing nuclear materials, the weight and quantity shall be specified;
 6. For the transportation of nuclear materials , the usage and quantity shall be specified;
 7. For an installation engaged in processing, storing or final disposition, the type and quantity shall be specified;
 8. The anticipated commencing date and the anticipated completion date for the operation of nuclear installation or the transportation of nuclear materials;
 9. The means of liability insurance or financial guarantee adopted for the performance of nuclear damage compensation liability.
- With respect to sub-paragraph 9 of the preceding paragraph, evidential documents shall be submitted as well.

Article 7

In respect of operation of a nuclear installation or transportation of nuclear materials, the rules governing the reduced amount for liability insurance or financial guarantee in accordance with the third paragraph of Article 25 of the Law are as follows:

1. For nuclear reactor whose thermal power is greater than one hundred kilowatts(100 kw) but less than ten thousand kilowatts(10,000 kw), including the transportation, processing, storage or disposition of nuclear materials accompanying such nuclear reactor on the site of the nuclear installation, the amount is reduced to Eight Hundred Forty Million New Taiwan Dollars (NT\$840,000,000).
2. For nuclear reactor whose thermal power is less than one hundred kilowatts (100 kw), including the transportation, processing, storage or disposition of nuclear materials accompanying such nuclear reactor on the site of the nuclear installation, the amount is reduced to Two Hundred Ten Million New Taiwan Dollars (NT\$210,000,000).
3. For an installation producing nuclear materials, the amount is reduced to Eight Hundred Forty Million New Taiwan Dollars (NT\$840,000,000).
4. For an installation exclusively for the processing, storage or disposition of nuclear materials, the amount is reduced to Two Hundred Ten Million New Taiwan Dollars (NT\$210,000,000).
5. For an installation disposing spent nuclear fuel or the waste produced during the reprocessing of the spent nuclear fuel the amount is reduced to Eight Hundred Forty Million New Taiwan Dollars (NT\$840,000,000).
6. For the transportation of nuclear fuel where the quantity of each transport is less than ten thousand Kilograms (10,000 kg), the amount is reduced to Two

Hundred Ten Million New Taiwan Dollars (NT\$210,000,000).

7. For the transportation of nuclear fuel where the quantity of each transport is at ten thousand Kilograms (10,000 kg) or more, the amount is reduced to Four

Hundred Twenty Million New Taiwan Dollars (NT\$420,000,000).

8. For the transportation of radioactive product or waste where the quantity of each transport is less than ten thousand (10,000) times of a certain limited

quantity, the amount is reduced to Two Hundred Ten Million New Taiwan Dollars (NT\$210,000,000).

9. For the transportation of radioactive product or waste where the quantity of each transport is at ten thousand (10,000) times or more of a certain limited

quantity, the amount is reduced Eight Hundred Forty Million New Taiwan Dollars (NT\$840,000,000).

With respect to installations producing nuclear materials as stipulated in sub-

Paragraph of the preceding paragraph, installations for reprocessing of spent

nuclear fuel are excluded.

Article 8

Where several nuclear installations belonging to one and the same nuclear Installation operator and located at the same site, the amount of liability insurance

Or financial guarantee the operator shall maintain shall be the highest amount

among those required of such several nuclear installations.

Article 9

In order to ensure that a nuclear installation operator maintains liability insurance

or financial guarantee sufficient to cover the maximum amount of nuclear damage

compensation liability, the Atomic Energy Council of the Executive Yuan may,

where necessary, examine the above at any time.

In the event that the result of examination as stipulated in the preceding paragraph

reveals at the coverage is insufficient to cover the maximum amount of nuclear

damage compensation liability, the Atomic Energy Council of the Executive Yuan

may order the nuclear installation operator to make up for the difference within a

limited period of time.

Article 10

When the insurer of liability insurance or the guarantor of financial guarantee

notifies the Atomic Energy Council of the Executive Yuan in writing to cease or

terminate said liability insurance or financial guarantee in accordance with Article

26 of the Law, the following information shall be submitted:

1. Name and address of the applicant ; in the event of a juridical person, the

name and address of the juridical person and the name of its representative;

2. In the case of liability insurance, a copy of the liability insurance agreement;

3. In the case of financial guarantee account number of the designated account established at any bank or at a bank designated by the government

treasury;

4. The reasons for ceasing or terminating the liability insurance or financial guarantee.

Article 11

In the event of any one of the following circumstances, the nuclear installation

operator may, with the approval of the Atomic Energy Council of the Executive

Yuan, cease or terminate the financial guarantee it maintains in accordance with

Article 4:

1. Completion of compensation for nuclear damage and no possibility whatsoever of the reoccurrence of any nuclear incident or nuclear damage;
2. Completion of transportation of nuclear materials;
3. Completion of decommissioning of nuclear installation or exemption from supervision/control of such nuclear installation.

Article 12

These Rules shall come into force on May 14, 1998.