


Content

Title :	Nuclear Materials and Radioactive Waste Management Act 
Date :	2002.12.25
Legislative :	Promulgated on December 25, 2002 by Presidential Decree No. Hua-Tsong-Yi-Yi-Tsu 09100248760
Content :	<p><b>Article 1</b> This Act is enacted to regulate radioactive material, prevent radioactive hazard and protect public safety; matters not provided for herein shall be applied to the provisions under other relevant laws and regulations.</p> <p><b>Article 2</b> The competent authority referred to in this Act shall be Atomic Energy Council, Executive Yuan.</p> <p><b>Article 3</b> The “radioactive material” referred to in this Act means nuclear source material, nuclear fuel and radioactive waste.</p> <p><b>Article 4</b> The terms used in this Act are defined as follows: 1. “Nuclear source material” means uranium ore, thorium ore and any other material designated by the competent authority as nuclear source material. 2. “Nuclear fuel” means material which is capable of producing energy by a self-sustaining chain process of nuclear fission, and any other material designated by the competent authority as nuclear fuel. 3. “Radioactive waste” means the waste that is radioactive or contaminated with radioactive substances, including the spent nuclear fuel prepared for final disposal. 4. “Nuclear safeguards” means the relevant administrative measures prescribed to execute the international prevention of nuclear weapon proliferation. 5. “Final disposal” means the permanent isolation treatment of radioactive waste. 6. “Decommissioning” means that after the permanent cessation of operation or usage for the production or storage facilities of nuclear source material or nuclear fuel and the treatment or storage facilities of radioactive waste, the various measures that shall be implemented to enable that facilities and the site to be developed and utilized again. 7. “Closure” means final disposal facilities no longer receiving radioactive waste and completing necessary measures such as decontamination, cover systems, and shutdown, etc. 8. “Institutional control” means the necessary measures to be executed for maintenance, administration, environmental radiation monitoring, prevention of external intrusion and so on after the closure of final disposal facility. 9. “Operator” means individuals or entities designated or approved by the government to operate facilities for the production or storage of nuclear source material or nuclear fuel and the treatment, storage or final disposal of radioactive waste; or individuals or entities approved by the government to hold or utilize radioactive material.</p> <p><b>Article 5</b> If any of the registered items under the license issued according to this Act has been changed, the licensee shall apply for the registration of amendment within the time limit prescribed by the competent authority.</p>

## Article 6

Unless permitted by the competent authority, the following facilities and the land where facilities are located, the license and the rights vested in the license, which are administered in accordance with this Act, shall not be assigned, leased, lent, pledged or mortgaged:

- 1.The production or storage facilities of nuclear source material or nuclear fuel.
- 2.The treatment, storage or final disposal facilities of radioactive waste.

## Article 7

The competent authority may, in accordance with nuclear safeguards-related treaties or agreements signed between our country and foreign countries or international atomic energy organizations, accompany with inspectors dispatched by foreign countries or international atomic energy organizations to conduct various inspections and detections, and may require the operator to submit designated materials; wherein, the inspection fees for nuclear safeguards to be paid to the international atomic energy organizations shall be borne by the operator of facilities. The regulations for the nuclear safeguard' s implementation referred to in the preceding paragraph shall be prescribed by the competent authority.

## Article 8

For the construction of production or storage facilities of nuclear source material or nuclear fuel, an application for construction license shall be submitted to the competent authority, and the construction shall not commence until the application has been reviewed and approved by the competent authority to meet the following provision and the competent authority has issued a construction license therefor:

- 1.The purpose of construction is consistent with that of peaceful use of atomic energy;
- 2.The equipment and the facilities are sufficient to secure the public health and safety;
- 3.The impact on the environmental ecology complies with the provision of relevant laws and regulations;
- 4.The technology, the management capability and the financial basis, etc., of the applicant are competent to operate the facilities.

For the construction of production facilities referred to in the preceding paragraph, the materials to prove the capability of treating, storing and finally disposing of the radioactive waste to be generated due to the operation thereof shall be submitted.

The competent authority shall publicize and display the application referred to in the preceding paragraph within thirty days of the receipt of it; the time period for publication and display is sixty days. During the time period for publication and display, individuals, government agencies or organizations may submit to the competent authority reference opinions in written document stating the name or appellation and the address; and hearings shall be held by the competent authority subsequently.

The regulations for the qualification, documents required, review and approval procedures and other matters to be complied with for an application for construction license for constructing the production or storage facilities of nuclear source material or nuclear fuel shall be prescribed by the competent authority.

## Article 9

Even after the completion of construction of production or storage facilities of nuclear source material or nuclear fuel, the facilities shall not be formally operated, until the competent authority has inspected the construction engineering and qualified the trial operation thereof, and has issued an operating license therefor.

Before the issuance of the operating license for production or storage facilities of nuclear source material or nuclear fuel, the competent authority shall verify that the facility has obtained a storage permit or an agency contract of treatment from a domestic or foreign radioactive waste final disposal facility.

The valid period of the license referred to in Paragraph 1 of this Article is forty years at longest, and when there is need to continue operation after the license is expired, an application shall be submitted two years prior to expiration thereof to the competent authority for renewing the license thereof. The operation thereof shall not be continued without the renewal of license as per the provision.

Paragraph 1 of the preceding article shall apply mutatis mutandis to the issuance and the renewal of an operating license; Paragraph 2 of the preceding article shall apply mutatis mutandis to the renewal of an operating license.

#### **Article 10**

The operator of production or storage facilities of nuclear source material or nuclear fuel shall follow the provision of the competent authority to submit the following reports and records regularly, and the competent authority may dispatch the inspectors to inspect the facilities at any time:

1. Reports related to operation, radiation protection, environmental radiation monitoring, abnormal or emergency event, and any other reports designated by the competent authority;
2. Production, inventory, sales records of nuclear source material or nuclear fuel;
3. Records on generation, treatment, storage and final disposal of radioactive waste.

#### **Article 11**

The production facilities of nuclear source material or nuclear fuel shall be operated by qualified operating personnel.

The qualification of operating personnel referred to in the preceding paragraph shall be prescribed by the competent authority.

#### **Article 12**

During the construction or operation period of production or storage facilities of nuclear source material or nuclear fuel, neither of the design amendment nor the equipment change, if involved in the following significant safety items, shall be made without an approval from the competent authority:

1. Modification of operational technical specification;
2. Newly added safety issue not covered in the safety analysis report;
3. Change of safety-related equipment that shall amend the safety analysis report and that may lower the original design standard after assessment;
4. Any other items designated by the competent authority.

#### **Article 13**

During the construction or operation period of production or storage facilities of nuclear source material or nuclear fuel, the competent authority may dispatch the inspectors to inspect the facilities at any time, and may require the operator to submit relevant materials; and if there is anything not conform to the provision or if the public health, safety or environmental ecology may be hazarded, the competent authority shall order the operator to improve the situation or take any other necessary measures within a limited time period. If the operator does not improve it in the limited time period or the situation is serious, the competent authority may order the operator to cease construction or operation thereof or may revoke the license.

When making the administrative disposition according to the preceding paragraph, the competent authority shall notify the operator by a document detailing the reason.

When the situation is urgent, the administrative disposition may be made verbally at first and the administrative disposition in writing shall be served supplementally upon the operator within seven days.

For the inspection referred to in Paragraph 1, the competent authority may entrust relevant government agencies, schools or organizations to perform; the regulation for entrusting in this context shall be prescribed further by the competent authority.

#### **Article 14**

For the permanent cessation of operation of production or storage facilities of nuclear source material or nuclear fuel, the operator shall prepare a decommissioning plan and shall implement it after the same has been reported to and approved by the competent authority; and during the implementation period, the competent authority may dispatch the inspectors to inspect the same at any time; and after the completion of decommissioning, the operator shall report it to the competent authority for inspection. Where the facilities referred to in the preceding paragraph have ceased operating for more than one year consecutively but the operator does not report it to the competent authority for approval, it shall be deemed as the permanent cessation of operation; and the decommissioning procedure shall follow the provision of the preceding paragraph. The decommissioning referred to in Paragraph 1 shall be completed within fifteen years after the permanent cessation of operation.

#### **Article 15**

Unless approved by the competent authority, the nuclear source material or nuclear fuel shall not be held, utilized, imported, exported, transited, transshipped en route, transported, stored, discarded, assigned, leased, lent or pledged.

For each of the operations referred to in the preceding paragraph, a complete material and accounting record shall be made and kept properly and submitted regularly to the competent authority for reference.

During the operation process referred to in Paragraph 1, the competent authority may dispatch the inspectors to inspect at any time and require the operator to submit relevant materials; and if the public health, safety or environmental ecology may be hazarded, the competent authority may suspend or restrict the operation wholly or partly, or order the operator to take necessary measures.

When making the administrative disposition according to the preceding paragraph, the competent authority shall notify the operator by a document detailing the reason.

When the situation is urgent, the administrative disposition may be made verbally at first and the administrative disposition in writing shall be served supplementally upon the operator within seven days.

The safety administrative rules for the operation of nuclear source material or nuclear fuel shall be prescribed by the competent authority.

#### **Article 16**

The provision under this Chapter shall not be applicable to nuclear source material or nuclear fuel which is below a specified weight or activity, or its production or storage facilities.

The limit value of the specified weight or activity referred to in the preceding paragraph shall be prescribed by the competent authority.

#### **Article 17**

For the construction of treatment, storage or final disposal facilities of radioactive waste, an application for construction license shall be submitted to the competent authority, and the construction shall not commence until the application has been reviewed and approved to meet the following provision and the competent authority has issued a construction license therefor:

- 1.The construction is consistent with the provision of the relevant international conventions;
- 2.The equipment and the facilities are sufficient to secure the public health and safety;
- 3.The impact on the environmental ecology complies with the provision of relevant laws and regulations;
- 4.The technology, the management capability and the financial basis, etc., of the applicant are competent to operate the facilities.

The competent authority shall publicize and display the application referred to in the preceding paragraph within thirty days after the receipt of it; and the time period for publication and display as to treatment and

storage facilities is sixty days; while the time period for publication and display as to the final disposal facilities is one hundred and twenty days. During the time period for publication and display, individuals, government agencies or organizations may submit to the competent authority reference opinions in written document stating the name or appellation and the address; and a hearing shall be held by the competent authority subsequently.

The regulations for the qualification, documents required, review and approval procedures and other matters to be complied with for an application for construction license for constructing treatment, storage or final disposal facilities of radioactive waste shall be prescribed by the competent authority.

#### **Article 18**

Even after the completion of the construction of treatment, storage or final disposal facilities of radioactive waste, the facilities shall not be formally operated without approval from the competent authority and the issuance of an operating license.

The valid period of the license referred to in the preceding Paragraph 1 shall be prescribed by the competent authority; and when there is need to continue operation after the license is expired, an application shall be filed two years prior to expiration thereof with the competent authority for renewing the license thereof. The operation thereof shall not be continued without the renewal of license as per the provision.

Paragraph 1 of the preceding article shall apply mutatis mutandis to the issuance and the renewal of an operating license.

#### **Article 19**

During the construction or operation period of treatment, storage or final disposal facilities of radioactive waste, neither of the design amendment nor equipment change, if involved in the significant safety items, shall be made without an application therefor submitted to and approved by the competent authority.

Article 12 shall apply mutatis mutandis to the significant safety items referred to in the preceding paragraph.

#### **Article 20**

The operator of treatment, storage or final disposal facilities of radioactive waste shall submit regularly to the competent authority the reports related to operation, radiation protection, environmental radiation monitoring, abnormal or emergency event, and any other reports designated by the competent authority; and the competent authority shall publicize the relevant reports.

#### **Article 21**

The safety administrative rules for the treatment, storage or final disposal of radioactive material and the operation, design of and safety requirements for the facilities, and other matters to be complied with shall be prescribed by the competent authority.

#### **Article 22**

Article 13 shall apply mutatis mutandis to the regulation and the relevant administrative disposition as to the construction or operation period of treatment, storage or final disposal facilities of radioactive waste.

#### **Article 23**

For the permanent cessation of operation of treatment or storage facilities of radioactive waste, the operator shall prepare a decommissioning plan and shall implement it after the same has been reported to and approved by the competent authority.

For the closure of the final disposal facilities of radioactive waste, the operator shall prepare the closure plan and the institutional control plan and shall implement the same after they have been reported to and approved by the competent authority.

During the implementation period of the plans referred to in the preceding two paragraphs, the competent authority may dispatch the inspectors to inspect the same at any time; after the completion of the plan, the operator shall report it to the competent authority for inspection.

Where the facilities referred to in Paragraph 1 has ceased operating for more than one year consecutively but the operator does not report it to the competent authority for approval, it shall be deemed as the permanent cessation of operation; and the decommissioning procedure shall follow the provision of Paragraph 1.

The decommissioning referred to in Paragraph 1 shall be completed within fifteen years after the permanent cessation of operation.

#### **Article 24**

For the re-utilization or the exemption from institutional control of the land where final disposal facilities of radioactive waste are located, the operator shall submit to the competent authority the materials as to environment assessment and the radiation safety assessment report approved by the competent authority of environment protection and shall implement the same after approval.

#### **Article 25**

Unless approved by the competent authority, the radioactive waste shall not be imported, exported, transited, transshipped en route, transported, discarded, or assigned; and the regulations for documents required, review and approval procedures and other matter to be complies with for an application in this regard shall be prescribed further by the competent authority.

Article 15 shall apply mutatis mutandis to the regulation and the relevant administrative disposition as to the operation procedures referred to in the preceding paragraph.

#### **Article 26**

The application for the construction or the operation of treatment or storage facilities of radioactive waste within the premises of nuclear reactor facilities, covered by the safety analysis report, may be made in combination with the application for the construction license and the operating license of the nuclear reactor facilities.

After being reported to and approved by the competent authority, the decommissioning of treatment or storage facilities of radioactive waste referred to in the preceding paragraph may be implemented in combination with the decommissioning of the nuclear reactor facilities.

#### **Article 27**

Treatment facilities of radioactive waste shall be operated by qualified operating personnel. The qualification of the operating personnel shall be prescribed by the competent authority.

#### **Article 28**

The generator of radioactive waste shall bear the expenses for treatment, transportation, storage and final disposal of waste and the decommissioning of facilities.

#### **Article 29**

The treatment, transportation, storage and final disposal of radioactive waste shall be done by the generator of radioactive waste itself solely or be entrusted to the entrepreneur' who or which is of technical capability of finally disposing of the domestic or foreign radioactive waste, or holds the facilities thereof; and the generator shall be responsible for minimizing the generation amount and volume of radioactive waste. The plan of final disposal shall be actually proceeded in accordance with the planned schedule.

Fee-charging standards for the entrepreneur' entrusted to implement treatment, transportation, storage and final disposal referred to in the preceding paragraph shall be reported and approved by the competent

authority.

### **Article 30**

The final disposal facilities of radioactive waste shall receive the radioactive waste generated by the whole country; and before the implementation of this Act, the expenses for the final disposal of the radioactive waste entrusted to treat or store referred to in Paragraph 1 of the preceding article shall be supported by the budget drawn up by the government.

### **Article 31**

The provision of this Chapter is not applicable to the clearance level for radioactive waste and the naturally occurring radioactive material wastes. The limit value of the specified activity or the lower activity referred to in the preceding paragraph and its administrative regulations for the waste generated by naturally occurring radioactive material shall be prescribed by the competent authority.

### **Article 32**

One who commits any one of the following circumstances shall be sentenced to imprisonment for not more than three years, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than three million New Taiwan Dollars may be imposed:

1. Operating the facilities in violation of Paragraph 1 or Paragraph 3 of Article 9, or Paragraph 1 or Paragraph 2 of Article 18.

2. Violating Paragraph 1 of Article 13 or Article 22 herein to which Paragraph 1 of Article 13 applies mutatis mutandis, not to obey the order of the competent authority to cease the construction or operation.

One who discards radioactive waste shall be sentenced to imprisonment for not more than five years, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than six million New Taiwan Dollars may be imposed.

One who negligently commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not more than one year, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than two million New Taiwan Dollars may be imposed.

### **Article 33**

One who violates Paragraph 1 of Article 8 or Paragraph 1 of Article 17 to construct the facilities arbitrarily shall be punished with an administrative fine of not less than five million New Taiwan Dollars but not more than twenty-five million New Taiwan Dollars and shall be demanded to suspend the construction coercively and supplement formalities; and if deemed necessary, the authority may demand to dismantle the facilities within a limited time.

If an order to prohibit from construction has been issued in accordance with the preceding paragraph but the construction is resumed without authorization, or the facilities have not been dismantled within the prescribed period, one shall be punished with an administrative fine of not less than ten million New Taiwan Dollars but not more than fifty million New Taiwan Dollars, and shall be compulsorily executed to dismantle the facilities.

If after the facilities have been compulsorily dismantled according to the preceding paragraph, the construction is resumed without authorization and an order to prohibit therefrom is not obeyed, one shall be sentenced to imprisonment for not more than one year or short-term imprisonment; in addition thereto, a fine of not more than ten million New Taiwan Dollars may be imposed.

### **Article 34**

One who does not submit the decommissioning plan, the closure plan, or the institutional control plan according to Paragraph 1 of Article 14, or Paragraph 1 or Paragraph 2 of Article 23 respectively, shall be punished with an administrative fine of not less than two million New Taiwan Dollars

but not more than ten million New Taiwan Dollars, and demand to submit the plan within a limited time.

One who violates Paragraph 1 of Article 14, or Paragraph 1 or Paragraph 2 of Article 23 not to implement the decommissioning plan, the closure plan, or the institutional control plan approved by the competent authority shall be punished with an administrative fine of not less than five million New Taiwan Dollars but not more than twenty-five million New Taiwan Dollars.

One who fails to submit the decommissioning plan, the closure plan, or the institutional control plan within the limited time period ordered in accordance with Paragraph 1 of this Article shall be sentenced to imprisonment for not more than one year or short-term imprisonment; in addition thereto, a fine of not more than ten million New Taiwan Dollars may be imposed.

#### **Article 35**

For those circumstances in which a statutory responsible person of a juridical person, or agent, employee or other working personnel of a juridical person or natural person, due to the performance of work responsibilities, violates either of the three previous articles, in addition to the perpetrator being punished, said juridical person or natural person shall also be fined pursuant to the regulations of each article violated.

#### **Article 36**

One who violates Article 24 to re-utilize the land arbitrarily or cease the institutional control shall be punished with an administrative fine of not less than twenty million New Taiwan Dollars but not more than one hundred million New Taiwan Dollars as well as an order to rectify the situation before a deadline; failure to rectify by the deadline will result in repeated fines for each deadline extended.

#### **Article 37**

One who fails to complete the decommissioning within the time limit prescribed in accordance with Paragraph 3 of Article 14 or Paragraph 5 of Article 23, or fails to implement the final disposal plan in accordance with the planned schedule referred to in Paragraph 1 of Article 29 shall be punished with an administrative fine of not less than ten million New Taiwan Dollars but not more than fifty million New Taiwan Dollars, and the respective punishment may be imposed annually.

#### **Article 38**

One who commits any one of the following circumstances shall be punished with an administrative fine of not less than two million New Taiwan Dollars but not more than ten million New Taiwan Dollars, as well as an order to rectify the situation before a deadline; failure to rectify by the deadline, the competent authority may prohibit the person from construction or operation wholly or partly, or may revoke the license:

1. Violating Article 12 or Paragraph 1 of Article 19.
2. Violating Article 10 or Article 20, not to make timely relevant records, reports or submit them regularly, or to make a false entry therein.

#### **Article 39**

One who evades, impedes or refuses the inspection, monitoring or submission of records or materials specified in Paragraph 1 of Article 7, Paragraph 1 of Article 13, Paragraph 2 or Paragraph 3 of Article 15, Article 22 herein to which Paragraph 1 of Article 13 applies mutatis mutandis, or Paragraph 2 of Article 25 herein to which Paragraph 2 and Paragraph 3 of Article 15 applies mutatis mutandis, shall be punished with an administrative fine of not less than two million New Taiwan Dollars but not more than ten million New Taiwan Dollars, and may be continually punished for each violation and be subject to compulsory inspection.

#### **Article 40**

One who violates Article 6, Paragraph 1 of Article 11, Paragraph 1 of

Article 15, Paragraph 1 of Article 25, or Paragraph 1 of Article 27 shall be punished with an administrative fine of not less than two million New Taiwan Dollars but not more than ten million New Taiwan Dollars.

#### **Article 41**

One who violates Article 5 not to apply to amend the registration by the deadline when any of the registered items under the license has been changed shall be punished with an administrative fine of not less than one million New Taiwan Dollars but not more than five million New Taiwan Dollars.

#### **Article 42**

One who violates the safety administrative rules prescribed pursuant to Paragraph 5 of Article 15 or Article 21 shall be punished with an administrative fine of not less than five hundred thousand New Taiwan Dollars but not more than Two million and five hundred thousand New Taiwan Dollars, and shall be ordered to improve the situation within a limited time; and if it is not improved within the prescribed time limit, the punishment may be continually imposed for each violation and the competent authority may order to cease the activities on the scene.

#### **Article 43**

One who fails to pay the administrative fine under this Act within the prescribed time limit after being served a notice demanding payment shall be referred to the court for compulsory enforcement.

#### **Article 44**

If a license is revoked according to Paragraph 1 of Article 13, or Article 22 herein to which Paragraph 1 of Article 13 applies mutatis mutandis, the same kind of license shall not be applied for within one year commencing from the date of its revocation.

#### **Article 45**

In addition to monetary penalties, the competent authority may forfeit radioactive nuclear source material, nuclear fuel, or radioactive waste. The party fined or the owner of confiscated or forfeited items shall pay for the expenses accruing from the competent authority's handling or guarding the items. The expenses in the preceding paragraph shall be paid before a deadline specified by the competent authority. Failure to do so will result in legal action and compulsory enforcement.

#### **Article 46**

Nuclear power plant operators shall allocate funds for the research and development on the operation technology and final disposal of radioactive materials, with the amount being at least two percent of the total Nuclear Backend Fund. Those who made distinguished contributions to the research and development referred to in the preceding paragraph may be awarded; and the regulations therefor shall be prescribed by the competent authority.

#### **Article 47**

The competent authority when implementing administration, accepting application for approval and issuing license according to this Act, may charge inspection fees, review fees, and license fees; and the fee scale shall be prescribed by the competent authority.

#### **Article 48**

Prior to the implementation of this Act, any facility engaged in the production or storage of nuclear source material or nuclear fuel and the treatment or storage of radioactive waste, which has obtained approval from the competent authority for establishment, shall be considered to have obtained an operating license and may continue to operate until the expiration of the original approved period.

Prior to the implementation of this Act, personnel responsible for operating facilities to produce nuclear source material or nuclear fuel and the treatment of radioactive waste may continue to operate the original facilities. However, they shall obtain appropriate qualifications within two years after the implementation of this Act.

**Article 49**

After the implementation of this Act, the competent authority shall supervise and urge upon the generator of radioactive waste to plan the preliminary construction of the domestic final disposal facilities of radioactive waste, and require the generator of radioactive waste to resolve the issues as to the final disposal of radioactive waste. After the implementation of this Act, for the newly built production or storage facilities of nuclear source material or nuclear fuel which are for education, research, or medical cure, the final disposal facilities to be planned and constructed in accordance with the preceding paragraph shall substitute temporarily for that prescribed under Paragraph 2 of Article 9. After the implementation of this Act, for the entrepreneur' treating, transporting or storing the radioactive waste arising from the industry other than education, research, medical cure, agriculture or nuclear power, the final disposal facilities to be planned and constructed in accordance with the Paragraph 1 of this Article shall substitute temporarily for that prescribed under Paragraph 1 of Article 29.

**Article 50**

Enforcement rules of this Act shall be prescribed by the competent authority.

**Article 51**

This Act shall be put into practice from the date of promulgation.