

Content

Title :	Atomic Energy Act Ch
Date :	1968.05.09
Legislative :	1. Enacted and promulgated on May 9, 1968 2. Amendments of the Act promulgated on December 24, 1971
Content :	<p>CHAPTER I General Provisions</p> <p>Article 1 In order to promote the research and development of nuclear science and technology, the exploitation of nuclear resources, and the peaceful utilization of nuclear energy, this Act is specifically enacted.</p> <p>Article 2 The technical terms used in this Act shall be defined as follows: (1)'Atomic Energy' means all forms of energy released in the course of nuclear transformation. (2)'Nuclear source material' means uranium ore, thorium ore and any other material designated by the Executive Yuan as nuclear source material. (3)'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 Executive Yuan as nuclear fuel. (4)'Ionizing Radiation' means electromagnetic or particle radiation that directly or indirectly causes ionization of any material. (5)'Nuclear Reactor' means any device with proper arrangement of nuclear fuel capable of self-sustaining chain reaction as a result of nuclear fission. (6)'Radioactive Material' means any material emitting one or several kinds of ionizing radiation by spontaneous nuclear transformation</p> <p>CHAPTER II Atomic Energy Authority</p> <p>Article 3 The competent authority of atomic energy is the Atomic Energy Council directly under the Executive Yuan, the organization of which shall be determined by law.</p> <p>Article 4 For the purpose of promoting research and development of nuclear science and technology, exploiting nuclear energy resources and expanding nuclear applications to agriculture, industry and medicine, the Atomic Energy Council may establish research institutes.</p> <p>Article 5 For the purpose of promoting peaceful uses of atomic energy, the Atomic Energy Council may request an executive order of Executive Yuan urging relevant ministries or councils to establish atomic energy undertakings. Prior approval by the Atomic Energy Council is required for any individual to establish any research institute or business in atomic energy.</p>

Article 6

The Atomic Energy Council may represent the Government to engage in relevant international cooperation affairs.

CHAPTER III Research and Development on Nuclear Science and Technology

Article 7

Regarding research and development on nuclear science and technology, the Atomic Energy Council is authorized to raise special funds, invite experts, formulate plans, and integrate their administration.

Article 8

The Atomic Energy Council shall assist national universities and research institutes to establish additional departments in nuclear science, to procure equipment and to develop nuclear science education.

Article 9

The Atomic Energy Council shall, in coordination with educational authorities and science research institutes, select gifted scientists for pursuing advanced studies abroad in nuclear science.

Article 10

The Atomic Energy Council may request the approval of the Executive Yuan to establish departments of research and development for nuclear science and technology in relevant science research institutes.

Article 11

As for the research of nuclear science and its practical application, all national scientific research institutes shall cooperate in compliance with the plan set forth in Article 7 of this Act to ensure effective management of research personnel and equipment.

Article 12

All universities and nuclear science research institutes intending to establish any research cooperative arrangement in nuclear science and application thereof with friendly nations or relevant international organizations, shall apply to the Atomic Energy Council for approval.

Article 13

Atomic energy scientific research institutes shall build up their radiation detecting, analyzing, and experimental equipment and strengthen research on radiation protection. The Atomic Energy Council may designate the above-mentioned research institutes to carry out training courses in radiation protection.

Article 14

All scientific research institutes may report to the Atomic Energy Council to request special funds, or to invite experts to assist in the development of nuclear science and technology.

CHAPTER IV Exploitation and Utilization of Nuclear Resources

Article 15

Mining and leasing rights of nuclear source materials are governed by the Mining Act; rules for exploration, mining, storage, purchase, supervision, etc., shall be stipulated by the Executive Yuan.

Article 16

For the production of nuclear source material and nuclear fuel the Atomic Energy Council may request approval of the Executive Yuan to establish dedicated institutes to implement it.

Article 17

For the purpose of nuclear research and the production of radioactive material for peaceful uses, besides improving the existing research reactor, the Atomic Energy Council may, according to the practical needs, request the Executive Yuan to allocate special funds to set up additional nuclear reactors and other equipment.

Article 18

Any fissionable material produced by nuclear reactors shall be reported to the Atomic Energy Council.

Article 19

As for the application of atomic energy in agriculture, industry and medicine, the Atomic Energy Council shall supervise and guide related institutes to proceed cooperatively.

Article 20

All equipment that have to be imported for nuclear research, development, mining, production and protection, as well as for use relating to nuclear power generation shall, according to rules stipulated by the Executive Yuan, be reduced off or exempted from tariff.

CHAPTER V Regulation of Nuclear Source Material, Nuclear Fuel and Reactors

Article 21

Regulation of nuclear source material shall be governed by the following:

- (1) Any applicant for the production of nuclear source material shall present a filled-out application to the Atomic Energy Council for approval and the issuance of a license.
- (2) The commencement, alternation, stoppage or resumption of the production of nuclear source material shall be reported to the Atomic Energy Council for approval.
- (3) Complete records of the production of nuclear source material shall be kept and submitted to the Atomic Energy Council periodically, the Council may send inspectors for inspection from time to time.
- (4) Import or export of nuclear source material, unless approved by the Atomic Energy Council and implemented in compliance with related laws, is not allowed.
- (5) Transportation and storage of nuclear source material shall be carried out in compliance with the regulations of the Atomic Energy Council, which may send inspectors for inspection.
- (6) Upon the completion of the facility for the production of nuclear source material, reports shall be submitted to the Atomic Energy Council, upon which the Council and appropriate authorities shall inspect the premises. This shall also apply to any change of establishments.
- (7) Utilization, discard and assignment of nuclear source material shall be reported to the Atomic Energy Council for approval, which may send inspectors for inspection.

Article 22

Regulation of nuclear fuel shall be governed by the following:

- (1) Any applicant for the production of nuclear fuel shall present a filled-out application form to the Atomic Energy Council for approval and the issuance of a license.

- (2) If the production of nuclear fuel, as stated in the application form, is to be changed, another approval shall be required.
- (3) The commencement, stoppage or resumption of the production of nuclear fuel shall be reported to the Atomic Energy Council for approval.
- (4) Complete records of the production of nuclear fuel shall be kept and submitted periodically to the Atomic Energy Council, which shall send inspectors for inspections from time to time.
- (5) Import or export of nuclear fuel, unless approved by the Atomic Energy Council and implemented in compliance with related laws, shall not be allowed.
- (6) Transportation and storage of nuclear fuel shall be carried out in compliance with the regulations of the Atomic Energy Council, which may send inspectors for inspection.
- (7) Upon the completion of a facility for the production of nuclear fuel, reports shall be submitted to the Atomic Energy Council for inspection. This shall also apply to any change of the facility.
- (8) Utilization, discard and assignment of nuclear fuel shall be reported to the Atomic Energy Council for approval, which may send inspectors for inspection.

Article 23

Regulation of nuclear reactors shall be governed by the following:

- (1) Any applicant for the construction of a nuclear reactor shall present a filled-out application to the Atomic Energy Council for approval and the issuance of a construction permit.
- (2) Upon the completion of the construction of a nuclear reactor, a request shall be submitted to the Atomic Energy Council for inspection.
- (3) Prior to operation of any nuclear reactor, a safety analysis report of the reactor shall be submitted to the Atomic Energy Council for review, approval, and the issuance of an operating license.
- (4) Operation of nuclear reactors shall be in compliance with the regulations of the Atomic Energy Council which may send inspectors for inspection at any time.
- (5) Any design change to be made during the construction phase of any nuclear reactor or any change of equipment due to updating of the design after operation of the reactor shall be reported in advance to the Atomic Energy Council for approval.
- (6) Without the approval of the Atomic Energy Council, a licensee shall not transfer the license or the privilege granted by the license to any other person.
- (7) The transfer or removal of any nuclear reactor, unless approved by the Atomic Energy Council, shall not be allowed.
- (8) For the operation of nuclear reactors, the utilization of nuclear fuel and the production of radioactive materials complete records shall be kept and submitted periodically to the Atomic Energy Council, and for auditing purpose the Atomic Energy Council may dispatch personnel for inspection from time to time.

CHAPTER VI Protection against Ionizing Radiations

Article 24

For the purpose of preventing hazards arising out of ionizing radiations and ensuring the health and security of the public, the Atomic Energy Council shall stipulate standards for protection against ionizing radiations to be reported to the Executive Yuan for promulgation

and enforcement.

Article 25

To detect radioactive fallouts, the Atomic Energy Council in conjunction with the Ministries of Interior and Defense shall set up plans, purchase equipment and distribute them to relevant agencies for use, and the Atomic Energy Council shall review and consolidate all detection records for promulgation.

Article 26

The protection against ionizing radiations shall be governed by the following regulations:

(1) Any person in possession of any radioactive material or of any equipment capable of producing

ionizing radiation shall apply to the Atomic Energy Council for a license.

(2) Upon completion of installment or reinstallation of equipment capable of producing ionizing radiation,

application shall be submitted to the Atomic Energy Council for safety inspection and radiation measurement.

(3) Operators of radioactive material or of equipment capable of producing ionizing radiation shall receive radiation protection training and obtain license from the Atomic Energy Council.

(4) Equipment capable of producing ionizing radiation shall, before their use, be subjected to safety inspection.

Inspection records shall be kept for further investigation.

(5) The Atomic Energy Council shall set forth safety regulations for equipment capable of producing ionizing radiation and dispatch personnel to conduct inspection from time to time.

(6) The commencement, stoppage or resumption of the production of radioactive material or equipment capable of producing ionizing radiation shall be subject to approval of the Atomic Energy Council.

(7) Production records of radioactive material and of equipment capable of producing ionizing radiation shall be reported periodically to the Atomic Energy Council, and the Atomic Energy Council for auditing purpose shall conduct inspection from time to time.

(8) Radioactive material and equipment capable of producing ionizing radiation shall not be imported or exported unless a certificate has been obtained from the Atomic Energy Council and relevant regulations of law are complied with.

(9) Transportation and storage of radioactive material shall be carried out in accordance with the regulations of the Atomic Energy Council which shall send inspectors for inspection.

(10) Any assignment and discard of radioactive material or of equipment capable of producing ionizing radiation as well as the disposal of radioactive waste are subject to approval of the Atomic Energy Council, and to audit, inspection shall be made by the Atomic Energy Council.

(11) Radioactive materials within certain limited quantity may be exempted from regulation with the exact amount to be set forth by the Atomic Energy Council.

CHAPTER VII Award, Patent and Compensation

Article 27

Research and inventions in nuclear science and technology shall be encouraged by award and the regulations on such encouragement shall be prescribed by the Executive Yuan.

Article 28

For inventions in nuclear science and technology, provisions of the Patent

Act will apply.
For the register of assignment of patent rights or the signing of contracts concerning nuclear science and technology with foreigners, however, shall be approved by the Atomic Energy Council.

Article 29

For damage to property or injury to health of the public arising out of any nuclear accident, appropriate compensation shall be given which shall be determined by law.

CHAPTER VIII Penal Provisions

Article 30

Any person who violates Article 23 of this Act in constructing, assigning, transferring or removing a nuclear reactor, 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 ten thousand New Taiwan Dollars may be imposed.

Article 31

Any person who violates Article 28 of this Act in assigning patent rights or signing contracts concerning nuclear science and technology with foreigners without approval, 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 five thousand New Taiwan Dollars may be imposed.

Article 32

Any person who violates one of the following subparagraphs 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 three thousand New Taiwan Dollars may be imposed; and the nuclear source material, nuclear fuel or radioactive materials shall be confiscated.
(1)Any person who violates the regulations of Article 21 of this Act by producing, importing, exporting, carrying, storing, utilizing, discarding or assigning nuclear source material.
(2)Any person who violates the regulations of Article 22 of this Act by producing, importing, exporting, carrying, storing, utilizing, discarding or assigning nuclear fuel.
(3)Any person who violates the regulations of Article 23 of this Act by utilizing nuclear reactors.
(4)Any person who violates the regulations of Article 26 of this Act.

CHAPTER IX Supplementary Provisions

Article 33

Enforcement rules of this Act shall be determined by the Executive Yuan. In order to execute the regulation specified in this Act, the Atomic Energy Council may impose necessary expenses, the standard of which will be stipulated in the enforcement rules.

Article 34

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