

Content

Title : Act on Sites for Establishment of Low Level Radioactive Waste Final Disposal Facility **Ch**

Date : 2006.05.24

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Content : **Article 1**

This Act is formulated for selecting the sites of final disposal facilities of low-level radioactive waste ("hereinafter referred to as the "disposal facilities") and conforming to the requirements on safety and environmental protection. Matters not provided for herein shall be applied to the provisions under other relevant laws and regulations.

Article 2

The competent authority of this Act is the Atomic Energy Council (AEC), Executive Yuan, and the authority-in-charge is the Ministry of Economic Affairs (MOEA).

Article 3

The terms used in this Act are defined as follows:

Radioactive waste: the waste that is radioactive or contaminated with radioactive substances, including the spent nuclear fuel prepared for final disposal.

Low-level radioactive waste: radioactive waste excluding the spent nuclear fuel ready for final disposal and the extraction remains produced in the reprocessing.

Final disposal: the permanent isolation treatment of radioactive waste.

Potential site: a site conforming to the provision of Article 4, selected through regional screening and preliminary site survey according to the site selection plan.

Recommended candidate site: a potential site selected according to the site selection plan or voluntarily recommended by a county (city), that has passed the review and has been determined and publicized by the authority-in-charge. At least two selected sites shall be approved and publicly announced by the authority-in-charge.

Candidate site: a recommended candidate site approved by a local county (city) referendum.

Article 4

A site of disposal facilities must not be located in any of the following areas:

Area where active faulting or geological conditions could endanger the safety of the disposal facilities,

Area where the geochemical conditions are unfavorable for effectively suppressing the diffusion of radioactive nuclides, and it is likely to endanger the safety of the disposal facilities,

Area where the hydrologic conditions of surface water or groundwater are likely to endanger the safety of the disposal facilities,

Area of high population density, and

Areas that cannot be developed according to the law.

The scope and determination standard of the areas listed in the preceding paragraph shall be prescribed by the competent authority jointly with other relevant government agencies within 6 months after this Act takes effect.

Article 5

The authority-in-charge shall organize a work group on the selection of the site of disposal facility (hereinafter referred to as the “site selection group”) within 3 months after this Act takes effect, to carry out the work of disposal facility site selection in accordance with the provisions of this Act.

The site selection group referred to in the preceding paragraph shall consist of 17 to 21 members assumed by representatives from relevant government agencies, experts and scholars, among which the experts and scholars must be no less than three-fifths of the total members. The bylaw, including the method of selection and tenure of members and the meeting and decision of the group, shall be formulated by the authority-in-charge, and submitted to the Executive Yuan for approval.

Article 6

The authority-in-charge shall consult with the competent authority to select or designate a major domestic low-level radioactive waste producing institution as the operator selecting the site of disposal facility (hereinafter referred to as the “site selection operator”).

The site selection operator shall provide the site selection group with information on selection of the site of disposal facility, carry out the work of site survey, safety analysis, public communication and land acquisition. Furthermore, the site selection operator shall publicly disclose relevant information such as the progress of disposal facilities site surveys on the website established by the authority-in-charge on a quarterly basis.

Article 7

The site selection group shall, within 6 months after organized, draft a disposal facility site selection plan and submit it to the authority-in-charge.

The authority-in-charge shall, within 15 days after receiving the site selection plan referred to in the preceding paragraph, publish the plan on the Executive Yuan Gazette and publicize it on the website for 30 days. During the public announcement period, government agencies, individuals, juridical persons, or associations may give their opinions in writing to the authority-in-charge, along with their name or title and address.

The authority-in-charge shall consult with the competent authority and relevant agencies regarding the site selection plan referred to Paragraph 1 in this article, carefully considering opinions from government agencies, individuals, juridical persons, or associations. Subsequently, the authority-in-charge shall approve the plan within two months after the expiration of the public announcement period referred to in the preceding paragraph.

Article 8

The site selection group shall submit a list of potential sites to the authority-in-charge within six months from the date when the site selection plan is approved, and the authority-in-charge shall then publicly announce the list.

Article 9

The site selection group shall, within 6 months from the date when the list of potential sites is publicly announced, submit a report on the selection of recommended candidate sites to the authority-in-charge and recommend at least two recommended candidate sites.

The authority-in-charge shall, within 15 days after receiving the report referred to in the preceding paragraph, publicize on the website and exhibit or announce in a proper place in the recommended candidate sites for 30 days. In this period of exhibition, government agencies, individuals, juridical persons, or associations may give their opinions in writing to the authority-in-charge, along with their name or title and address.

The authority-in-charge shall consult with the competent authority and other relevant government agencies, to compile the sources and contents of

the opinions brought by the government agencies, individuals, juridical persons and associations, and give reply on the adoption of the opinions one by one.

Article 10

A county (city) government that volunteers to establish a disposal facility in the area under its jurisdiction shall after the county (city) council and the township (city) council adopted the decision, publicly announce the plan of establishment and hold a public hearing, and then submit a written application enclosed with relevant documents to the authority-in-charge within 4 months from the date when the potential sites are publicly announced.

The authority-in-charge shall turn the application referred to in the preceding paragraph to the site selection group for review. If it is confirmed that the application conforms to the provision of Article 4, the site may have the priority to be listed as a recommended candidate site, and a public announcement shall be made.

Article 11

For a recommended candidate site determined under Article 9 or Article 10 of this Act, a local referendum shall be held in the county (city) in which the site is located within 30 days after the expiration of the public announcement period, without being limited by the provision of Article 2 of the Referendum Act. With the consent of the public through referendum, the site may be listed as a candidate site.

Where there are two or more candidate sites referred to in the preceding paragraph, one of them shall be selected by the authority-in-charge.

For the public hearing and the voting procedure of the local referendum referred to in the Paragraph 1, the provisions of the Referendum Act shall apply *mutatis mutandis*.

The local referendum referred to in the Paragraph 1 shall be held on the same day, and the expenditure required for referendum shall be budgeted by the authority-in-charge.

The result, penalty and administrative disputes of the local referendum on a selected recommended candidate site shall be handled in accordance with the relevant provisions of the Referendum Act.

Article 12

In order to advance the work of selecting the site of disposal facility, the authority-in-charge may allocate outlay from the Nuclear Backend Fund as feedback subsidies.

The total amount of feedback subsidies referred to in the preceding paragraph shall be calculated at the currency value of the time when the site of disposal facility is approved by the Executive Yuan, and must be no more than five billion New Taiwan Dollars. The distribution of the feedback subsidies is as follows:

 No less than 40% to the township (city) in which the site of disposal facility is located.

 No less than 30% to all the townships (cities) nearby the site of disposal facility; in absence of such nearby township (city), 15% more to each of the township (city) and the county (city) in which the site of disposal facility is located.

 No less than 20% to the county (city) in which the site of disposal facility is located.

The authority-in-charge shall lay down other regulations on the use of feedback subsidies.

Article 13

Where the establishment of disposal facility may cause severe impact on the environment, the site selection operator shall submit an Environmental Impact Statement in accordance with the provision of Paragraph 1 of Article 7 of the Environmental Impact Assessment Act. After the statement is turned to the competent authority in charge of environmental protection for reference through the authority-in-charge, the second stage assessment of environmental impact shall be conducted in accordance with the provision of

Article 14

The site selection operator shall submit the relevant documents on environmental impact assessment to the Executive Yuan through the authority-in-charge, within one month after the candidate site passes the review of environmental impact assessment. After the candidate site is approved by the Executive Yuan as the selected site of disposal facility, a public announcement shall be given in the county (city) hall and the township (city) office where the site of disposal facility is located.

Article 15

Where public land is needed for establishing disposal facility, the site selection operator shall apply to the authority-in-charge for land appropriation; where private land is needed, the site selection operator shall apply to the authority-in-charge for land expropriation.

When conducting the land appropriation or expropriation referred to in the preceding paragraph, the authority-in-charge may state in the appropriation or expropriation plan that the development, construction and operating of disposal facility may be carried out through joint-development, consigned development, cooperative operating, leasing, setting right of superficies, trust, or investing by land right or rent, without being limited by the provisions of Article 25 of Land Act, Article 28 of National Property Act, and the regulations of local governments on management of public properties.

Article 16

Where the land for disposal facility involves making changes to urban plan, the authority-in-charge shall coordinate the competent authority in charge of urban planning to take immediate action in accordance with the provision of Article 27 of the Urban Planning Act; where the alteration of non-urban land utilization is involved, the authority-in-charge shall coordinate the competent authority in charge of regional planning to conduct the alteration in accordance with the provision of Article 13 of the Regional Planning Act.

Article 17

The land expropriated under this Act shall be used according to the expropriation plan within 6 years after the completion of the payment of compensation, inapplicable to Subparagraph 1 of Paragraph 1 of Article 219 of the Land Act and Subparagraph 1 of Paragraph 1 of Article 9 of the Land Expropriation Act.

Where the land is not used within the time limit set forth in the preceding paragraph, the original landowner may apply for its redemption at the expropriated price originally paid to him/her. However, if the cause is not attributable to the authority-in-charge, the original landowner may not apply to redeem the land.

Article 18

In the period when the site selection operator conducts the relevant site survey of disposal facility, the competent authority shall dispatch personnel to conduct inspections and require the site selection operator to submit relevant information, so as to facilitate the safety review process over the application for establishing disposal facility in the future.

Article 19

The expenses required for selecting the site of disposal facility shall be allocated from the Nuclear Backend Fund, and the properties acquired shall be included in the Fund.

Article 20

The work of site selection for the final disposal plan of low-level radioactive waste carried out under Radioactive Materials and Waste Management Act and other related regulations before this Act is enforced,

shall be continued in accordance with the provisions of this Act after this Act is enforced.

Article 21

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

Data Source : Nuclear Safety Commission Laws and Regulations Retrieving System