

# **Act on Sites for Establishment of Low Level Radioactive Waste Final Disposal Facility**

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by Presidential Decree No. Hua-Tsong-Yi-Yi-Tsu 09500072671

## Article 1

This Act is formulated for selecting the sites of final disposal facility of low level radioactive waste (“disposal facility” for short hereinafter) and conforming to the requirements on safety and environmental protection. Situations not covered by this Act are to be dealt with according to the provisions of other relevant codes.

## Article 2

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

## Article 3

The terms used in this Act are defined as follows:

1. **Radioactive waste:** the discarded material that is radioactive or is contaminated with radioactive material, including the spent nuclear fuel ready for final disposal.
2. **Low level radioactive waste:** radioactive waste excluding the spent nuclear fuel ready for final disposal and the extraction remains produced in the reprocessing.
3. **Final disposal:** permanent isolation treatment of radioactive waste.
4. **Potential site:** a site conforming to the provisions of Article 4, selected through regional screening and preliminary site survey according to the site selection plan.
5. **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 implementing authority. At least two sites shall be selected as recommended candidate sites.
6. **Candidate site:** a recommended candidate site agreed by the citizens

in the local referendum.

#### Article 4

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

1. Area where active faulting or geological conditions could endanger the safety of the disposal facility,
2. 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 facility,
3. Area where the hydrologic conditions of surface water or groundwater are likely to endanger the safety of the disposal facility,
4. Area of high population density, and
5. Areas that cannot be developed according to the law.

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

#### Article 5

The implementing authority shall organize a work group on the selection of the site of disposal facility (“site selection group” for short hereinafter) 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 3/5 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 implementing authority, and submitted to the Executive Yuan for approval.

## Article 6

The implementing authority 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 (“site selection operator” for short hereinafter).

The site selection operator shall provide the site selection group with data on selection of the site of disposal facility, carry out the work of site survey, safety analysis, public communication and land acquisition, and publicize quarterly the progress of site survey on the website established by the implementing authority.

## Article 7

The site selection group shall, within 6 months after organizing, draft a disposal facility site selection plan and submit it to the implementing authority.

The implementing authority 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. In this period of public announcement, any government agency, individual, juridical person, or civil association may submit to the implementing authority comments in written document stating the name or appellation and the address thereof.

The implementing authority shall consult with the competent authority and other relevant government agencies and consider the opinions brought by the government agencies, individuals, juridical persons and civil associations, to approve the site selection plan referred to in the first paragraph within 2 months after the end of the period of public announcement referred to in the preceding paragraph.

## Article 8

The site selection group shall submit a list of potential sites to the

implementing authority and have it publicized within 6 months after the site selection plan is approved by the implementing authority.

#### Article 9

The site selection group shall, within 6 months after the list of potential sites is publicized, submit a report on the selection of recommended candidate sites to the implementing authority and recommend at least two recommended candidate sites.

The implementing authority 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, any government agency, individual, juridical person, or civil association may submit to the implementing authority comments in written document stating the name or appellation and the address thereof.

The implementing authority 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 civil 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, publicize the plan of establishment and hold a public hearing, and then submit a written application enclosed with relevant documents to the implementing authority within 4 months after the public announcement of potential sites is given.

The implementing authority 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 provisions 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 end of the period of public announcement, 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 as referred to in the preceding paragraph, one of them shall be selected by the implementing authority.

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

The local referendum referred to in the first paragraph shall be held on the same day, and the expenditure required for referendum shall be budgeted by the implementing authority.

The result, penalty and administrative dispute issues 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 implementing authority may allocate outlay from the Nuclear Backend Management Fund as feedback subsidies.

The total amount of feedback subsidies referred to in the preceding paragraph shall be calculated at the present value of the time when the

site of disposal facility is approved by the Executive Yuan, and must be no more than NT \$5 billions. The distribution of the feedback subsidies is as follows:

1. No less than 40% to the township (city) in which the site of disposal facility is located.
2. 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.
3. No less than 20% to the county (city) in which the site of disposal facility is located.

The implementing authority shall lay down other regulations on the use of feedback subsidies.

#### Article 13

Where the establishment of disposal facility is likely to cause serious impact to the environment, the site selection operator shall submit an Environmental Impact Statement in accordance with the provision of Paragraph 1, 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 implementing authority, the 2nd-stage assessment of environmental impact shall be conducted in accordance with the provision of Article 8 of the Environmental Impact Assessment Act.

#### Article 14

The site selection operator shall submit the relevant documents on environmental impact assessment to the Executive Yuan through the implementing authority, 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 implementing authority for land appropriation; where private land is needed, the site selection operator shall apply to the implementing authority for land expropriation.

When conducting the land appropriation or expropriation referred to in the preceding paragraph, the implementing authority may state in the appropriation or expropriation plan that the development, construction and operating of disposal facility 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 alteration of urban planning, the implementing authority shall coordinate the competent authority in charge of urban planning to conduct the alteration quickly in accordance with the provision of Article 27 of the Urban Planning Act; where the alteration of non-urban land utilization is involved, the implementing authority 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, without being limited by the provision of Subparagraph 1, Paragraph 1, Article 219 of the Land Act and Subparagraph 1, Paragraph 1, 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 him/her. However, if the cause is not attributable to the implementing authority, the original landowner may not apply to redeem his 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 perform inspection and require the site selection operator to submit relevant data, so as to provide convenience for performing safety review 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 Management Fund, and the properties acquired shall be vested 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 become effective as of the date of promulgation.