

Nuclear Reactor Facilities Regulation Act

Promulgated by Presidential Decree on 15th January, 2003

Chapter I General Provisions

Article 1

This Act is enacted to regulate nuclear reactor facilities in order to protect the public safety; matters not provided for herein shall be applied to the provisions under other relevant laws/statutes and decrees.

Article 2

In this Act, the terminology mentioned herein shall be respectively defined as follows:

1. “Nuclear reactor” shall denote the nuclear fuel-loaded apparatus which may cause the controllable self-sustained chain reaction of nuclear fission.
2. “Nuclear reactor facilities” shall denote the nuclear reactor and the relevant buildings and equipment appendant thereto.
3. “Research nuclear reactor” shall denote the nuclear reactor which is designed or used primarily for education, researches or experiment.
4. “Off-commissioning” shall denote the nuclear reactor facilities which have been designedly ceased operating for more than one year consecutively.
5. “Decommissioning” shall denote that after the permanent cessation of operation of nuclear reactor facilities, the various measures that shall be implemented to enable that facilities and the site to be developed and utilized again.
6. “Licensee” shall denote an entity who or which has been approved by the competent authorities to operate nuclear reactor facilities.
7. “Exclusion area” shall denote the area surrounding the nuclear reactor facilities, where an individual located at any point on its boundary for two hours immediately following onset of the postulated fission product release would not receive radiation dose in excess of the limits prescribed by the competent authorities.

8. "Low population zone" shall denote the area immediately surrounding the exclusion area that an individual located at any point on its outer boundary would not receive radiation dose in excess of the limits prescribed by the competent authorities.

Article 3

The competent authorities referred to in this Act shall be the Atomic Energy Council, Executive Yuan.

Chapter II Regulations of Construction and Operation

Article 4

The licensee shall submit a plan, in accordance with the level of radiation dose received by the public after a nuclear accident, to the competent authorities for the matters' in consultation with the Ministry of Interior, the government of municipality under the direct jurisdiction of the Executive Yuan, the county (city) government and the relevant authorities about demarcating the exclusion area and the low population zone, which, after being approved by the Executive Yuan, shall be publicized and implemented by the government of municipality under the direct jurisdiction of the Executive Yuan, the county(city) government; and the aforesaid respective government, being accompanied with the licensee, shall then set up the landmarks within two months; and, the same rules shall be applicable to the procedures for amending it. The fees for setting up the landmark shall be borne by the licensee.

With the exception of highway, railroad, and waterway, the licensee shall obtain the rights of use over the land within the exclusion area. Residence within the exclusion area which is unrelated to the operation, the maintenance or the security of nuclear reactor facilities, shall be prohibited. Any activity which may affect the safety of nuclear reactor facilities shall be prohibited there.

As to the selection of site of nuclear reactor facilities, its location, in addition to that the radius of the low population zone shall be appropriate, shall be distant at least one and one third times of radius of the low population zone from the population center containing more than twenty-five thousand.

Residence within the low population zone is generally permitted. However, to newly

establish school, works, jail, hospital, long term nursing institute, recuperation and convalescent institute (charity) for the aged, a protective measures shall be provided, referring first to the response plan of civil security and protection of that local area, and submitted to the competent authorities for the latters' in consultation with the government of municipality under the direct jurisdiction of the Executive Yuan, and the county (city) government and approving it, so that the same can be implemented in accordance with the relevant laws/statutes and decrees.

The standard(s) of the demarcation of the exclusion area and the low population zone shall be prescribed by the competent authorities.

Article 5

For the construction of nuclear reactor facilities, an application for construction permit shall be filed with the competent authorities, and the construction shall not commence until the application has been reviewed and approved by the competent authorities to meet with the following standards and requirements and the competent authorities have issued a construction permit therefor:

1. The purpose of construction shall be consistent with that of peaceful use of atomic energy;
2. The equipment and the facilities shall be sufficient to protect the public health and safety;
3. The impact to the environmental protection and ecological protection shall comply with the provisions under relevant laws/statutes and decrees;
4. The technical, the management ability and the financial data, etc., of the applicant shall be competent to operate the facilities.

The competent authorities shall publicize for sixty days the application referred to in the preceding Paragraph within thirty days of receipt of it. During the period for publication, any individual, authorities, school and group may submit to the competent authorities comment in written document stating the name or appellation and the address thereof.

The regulations for the qualification for an application for construction permit for nuclear reactor facilities, documents required, review and approval procedures and other matters to be complied therewith shall be prescribed by the competent

authorities.

Article 6

Even after the completion of construction of nuclear reactor facilities, the facilities shall not be loaded with the nuclear fuel, unless the competent authorities have reviewed and approved its final safety analysis report, and the corrective actions of inspection findings during the construction and the system functional tests thereof have been passed.

Unless the competent authorities have reviewed and approved the power test therefor and then issued an operating license therefor, no nuclear reactor facilities, having been loaded with the nuclear fuel, shall be formally operated.

The valid period of the operating license referred to in the preceding Paragraph shall be forty years at longest, and when there is need to continue operation after the license is expired, an application for renewing the license thereof shall be filed by the licensee with the competent authorities within the period prescribed by the competent authorities. The operation thereof shall not be continued without the renewal of license in accordance with the prescription.

Paragraph 1 of the preceding Article is applicable, *mutatis mutandis*, to the issuance and the renewal of an operating license. The regulations for the documents requisite for the application in this context, review and approval procedures and other matters to be complied therewith shall be prescribed by the competent authorities.

Article 7

The design, construction and operation of nuclear reactor facilities shall be complied with the provisions of the safety design criteria of nuclear reactor facilities and the quality assurance criteria of nuclear reactor facilities prescribed by the competent authorities.

Article 8

The competent authorities may prescribe the regulations to regulate the re-start of nuclear reactor facilities after that have been ceased operation due to re-loading of nuclear fuel, outage or reportable event.

Article 9

After nuclear reactor facilities have been formally operated, one integrated safety assessment at least shall be implemented every ten years and then be submitted to the competent authorities for review and approval.

Article 10

The licensee shall follow the prescription of the competent authorities to submit the report(s) related to operation, radiation safety, environmental radiation monitoring, reportable or emergency event, or prompt notification, the generation record on radioactive waste and any other report(s) designated by the competent authorities; wherein, the regulations for the time limit, the modus, the contents and other matters to be complied therewith, pertaining to the reportable event report and the prompt notification shall be prescribed by the competent authorities.

Article 11

One who has not obtained the nuclear reactor operator license shall not manipulate the control of the nuclear reactor, provided, however, that the following personnel are exempted:

1. The student of school or the personnel attending the operation training, who manipulates the control of a research nuclear reactor for the training purpose under the guidance on the scene and the responsibility of the licensed operator.
2. The trainee having attended the operator training and passed the test and examination of the competent authorities, who manipulates the control of a nuclear reactor for the purpose of apprenticeship for the duty to be taken charge of under the guidance on the scene and the responsibility of the licensed operator.

The license referred to in the preceding Paragraph shall be issued after the test, for which the licensee has applied to the competent authorities, has been passed and the apprenticeship has been qualified.

Where the nuclear reactor operator inadvertently neglects performing his or her duty, the competent authorities may suspend his or her license for a period from three months to eighteen months, subject to the seriousness in the circumstances; and(/or) may revoke the license, if there is a serious violation of regulation.

The regulations for issuance, renewal, supplement, suspension, revocation of the license of nuclear reactor operator and other matters to be complied therewith shall be prescribed by the competent authorities.

Article 12

The licensee shall hold regularly the medical examination for whose nuclear reactor operator, and shall prohibit anyone whose physical and mental condition is inadequate to continuously take charge of operation; and if necessary, the competent authorities may order the licensee to make such a prohibition.

The prohibited operator referred in the preceding Paragraph may continue to take charge of the operation once he or she has obtained a certificate of physician proving that his or her physical and mental condition has been resumed to enable him or her taking charge of operation adequately and has been re-trained for complying with the prescription. For those prohibited personnel under the competent authorities' order to the licensee, an approval from the competent authorities shall also be obtained.

The regulations for the implementation of medical examination referred to in Paragraph 1 and the issuance of and the obtaining certificate of physician referred to in the preceding Paragraph shall be prescribed by the competent authorities.

Article 13

During the construction or the operation period of nuclear reactor facilities, 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 authorities.

The scope of significant safety items referred to in the preceding Paragraph shall be prescribed by the competent authorities.

Article 14

During the construction or the operation period of nuclear reactor facilities, the competent authorities may dispatch the inspector to inspect the facilities at anytime, and may require the licensee to submit relevant materials; wherein, the licensee shall not evade, interfere with or refuse the same. If there is anything not conform to the

prescription or if the public health/safety or environmental ecology may be endangered, the competent authorities shall order the licensee to improve the situation or take any other necessary measures within a prescribed time period. If the situation is serious, the licensee does not improve it nor take necessary measures within the prescribed period, the competent authorities may order the licensee to cease the working on the scene, or operation thereof, or may revoke the license or permit the operation only under a limited power.

When rendering the administrative measures according to the preceding Paragraph, the competent authorities shall notify the licensee by a document detailing the rationale. When the situation is urgent, the administrative measures may be made verbally at first and the text of administrative measures in written shall be served supplementally upon the licensee within seven days.

For the inspection referred to in Paragraph 1, the competent authorities may entrust relevant authorities, school or group to perform; the regulations for entrusting in this context shall be prescribed by the competent authorities.

Article 15

In order to assure that the design, installation, inspection and test of nuclear reactor facilities shall be actually complied with the requirements for the nuclear safety, the licensee shall retain the inspection agency to take charge of the inspection.

The regulations for the scope of inspection and the recognition of inspection agency referred to in the preceding Paragraph shall be prescribed by the competent authorities.

Article 16

After being submitted to and approved by the competent authorities, the nuclear grade items to be used in the safety-related structures, systems and components of nuclear reactor facilities may be adopted from the products approvingly dedicated by the agency recognized by the competent authorities.

The administrative regulations for the condition, or the technology as to the verification and the recognition of agency referred to in the preceding Paragraph shall be prescribed by the competent authorities.

Article 17

The import, export, removal of nuclear reactor and other relevant matters designated by the competent authorities shall be made only after an application therefor has been submitted to and approved by the competent authorities.

Article 18

If any of the registered items under the license issued according to this Act has been changed, the licensee shall apply for the amendment within the period prescribed by the competent authorities.

Article 19

Unless permitted by the competent authorities, the nuclear reactor facilities, the license thereof and the rights vested in the license shall not be assigned, leased, lent, trusted, pledged or mortgaged.

Article 20

Provisions under Article 4, Paragraph 2 of Article 5, Article 8, Article 9 and Article 15 shall not be applied to research nuclear reactor facilities with the thermal power below a specific limit.

The specific limit referred to in the preceding Paragraph shall be prescribed by the competent authorities.

Chapter III Regulations of Off-Commissioning and Decommissioning

Article 21

The decommissioning of nuclear reactor facilities shall adopt the method of dismantlement and shall be completed within the period prescribed by the competent authorities.

The dismantlement referred to in the preceding Paragraph shall be within the scope of radioactively-contaminated equipment, structure, and materials.

Article 22

As to the decommissioning of nuclear reactor facilities, the radiation dose in the site of dismantled facilities shall be complied with the standards prescribed by the competent authorities.

Article 23

For the decommissioning of nuclear reactor facilities, an application, appending the decommissioning plan, shall be filed by the licensee with the competent authorities, and the decommissioning thereof shall not commence until the application has been reviewed and approved by the competent authorities to comply with the following prescription and a decommissioning permit has been granted:

1. The activities of decommissioning shall be sufficient to protect the public health and safety;
2. The impact to the environmental protection and ecological protection shall comply with the prescription under relevant laws/statutes and decrees;
3. The activities of radiation protection and the administration of radioactive materials shall be complied with the prescription under relevant laws/statutes and decrees;
4. The technical, the management ability and the financial data, etc., of the applicant shall be competent to execute the decommissioning.

The decommissioning plan referred to in the preceding Paragraph shall be submitted by the licensee three years prior to the scheduled permanent cessation of operation of nuclear reactor facilities.

If within the valid period of the operating license, nuclear reactor facilities have not been operated continually due to certain reasons, the licensee shall submit the decommissioning plan within three years of the permanent cessation of operation thereof.

The regulations for the documents requisite for an application for the permit for decommissioning of nuclear reactor facilities, review and approval procedures, and other matters to be complied therewith shall be prescribed by the competent authorities.

Article 24

For the off-commissioning of nuclear reactor facilities, the licensee shall submit the plan on off-commissioning to and apply with the competent authorities for approval.

The regulations for the documents requisite for an application for off-commissioning of nuclear reactor facilities, review and approval procedures, and the administrative regulations as to the off-commissioning shall be prescribed by the competent authorities.

Where nuclear reactor facilities have been ceased operation for more than one year consecutively but the licensee does not report it to the competent authorities for approval, it shall be deemed as the permanent cessation of operation; and the decommissioning procedures shall follow the prescription of Paragraph 3 of the preceding Article.

Article 25

After the decommissioning permit issued by the competent authorities has been obtained, the licensee shall execute the decommissioning plan approved by the competent authorities.

After the decommissioning plan has been approved by the competent authorities, any amendment, if involved in the significant regulating items, shall be submitted to and approved by the competent authorities before being made.

The significant regulating items referred to in the preceding Paragraph shall be prescribed by the competent authorities.

Article 26

Article 14 shall be applicable, *mutatis mutandis*, to the regulations during the decommissioning period of nuclear reactor facilities.

Article 27

After the issuance of decommissioning permit, the competent authorities may, subject to the circumstances, in consultation with the Ministry of Interior, the government of municipality under the direct jurisdiction of the Executive Yuan, the county (city) government and relevant authorities about the removal or the amendment of the

exclusion area and the low population zone, which, after being approved by the Executive Yuan, shall be publicized.

Article 28

Within six months of completion of the decommissioning plan of nuclear reactor facilities, the licensee shall submit to the competent authorities for review and examination the report on environmental radiation monitoring on the site.

Chapter IV Penal Provisions

Article 29

One who commits any of the following acts shall be punished with an administrative fine of more than New Taiwan Dollars Three Million but no more than New Taiwan Dollars Fifteen Million, and should be ordered to cease the activities on the scene, or the operation, or to operate only under a limited power:

1. Loading the nuclear fuel or operating in violation of Paragraph 1, or Paragraph 2 of Article 6.
2. Violating Paragraph 1 of Article 11 to employ any unlicensed personnel to manipulate the control of a nuclear reactor, or to manipulate the control of a nuclear reactor without the license.
3. Violating Paragraph 1 of Article 14 to possibly endanger the public health or safety or environmental ecology; whereas, the situation is serious but it has not been improved, or none of the necessary measures has been taken within the prescribed time period.

One who fails to observe the competent authorities' regulations referred to in the preceding Paragraph shall be punished with imprisonment for not more than three years, or detention, or in lieu thereof or in addition thereto, a fine of no more than New Taiwan Dollars Three Million.

Article 30

One who violates Paragraph 1 of Article 5 to construct the facilities shall be punished with an administrative fine of more than New Taiwan Dollars One Million but no

more than New Taiwan Dollars Five Million and shall be ordered to prohibit from construction and to supplement modus formalities; and when it is necessary, the person may be ordered to dismantle the facilities within a prescribed time period.

If an order to prohibit from construction has been issued in accordance with the preceding Paragraph but the construction is resumed, or the facilities have not been dismantled within the prescribed period, one shall be punished with an administrative fine of more than New Taiwan Dollars Two Million but no more than New Taiwan Dollars Ten Million, 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 and an order to prohibit therefrom is violated, one shall be punished with imprisonment for no more than three year, or detention; and in addition thereto, a fine of no more than New Taiwan Dollars Three Million may be imposed.

Article 31

Where the responsible person for a juristic entity, the agent for the employee or any other practitioner of a juristic entity or natural person, commits in the performance of his or her duty any of the offences prescribed in Paragraph 2 of Article 29 or Paragraph 3 of the preceding Article, not only shall the wrongdoer be punished in accordance with the respective Article but the aforesaid juristic entity or natural person shall also be fined as in each of those Articles.

Article 32

One who violates Paragraph 1 of Article 21, not to complete the decommissioning within the time limit prescribed by the competent authorities shall be punished with an administrative fine of more than New Taiwan Dollars One Million but no more than New Taiwan Dollars Five Million, and the respective punishment may be imposed annually.

Article 33

One who fails to submit respectively the decommissioning plan within the time limit prescribed under Paragraph 2 or Paragraph 3 of Article 23, shall be punished with an

administrative fine of more than New Taiwan Dollars Five Hundred Thousand but no more than New Taiwan Dollars Two Million and Five Hundred Thousand, and shall be ordered to submit the plan within a prescribed time period; failing which shall be subject to a punishment each continually imposed for each violation.

Article 34

One who commits any of the following acts shall be punished with an administrative fine of more than New Taiwan Dollars Five Hundred Thousand but no more than New Taiwan Dollars Two Million and Five Hundred Thousand and shall be ordered to improve the situation in a prescribed time period and if it is not improved within the prescribed period, a punishment shall be continually imposed for each violation:

1. Violating Paragraph 2 of Article 4, Paragraph 1 or Paragraph 2 of Article 12, Paragraph 1 of Article 15, Paragraph 1 of Article 16, Article 17, Article 19, Paragraph 1 of Article 25 or Article 28.
2. Violating the regulation prescribed by the competent authorities in accordance with Article 8 or Paragraph 2 of Article 15.

Article 35

One who commits any of the following acts shall be punished with an administrative fine of more than New Taiwan Dollars Two Hundred Thousand but no more than New Taiwan Dollars One Million and shall be ordered to improve the situation within a prescribed time period; and if it is not improved within the prescribed period, the competent authorities may order to cease the activities on the scene, or operating wholly or partly, or may revoke the license:

1. Violating the prescription as to the safety design criteria of nuclear reactor facilities prescribed by the competent authorities in accordance with Article 7.
2. Failing to perform the integrated safety assessment and submit it to the competent authorities for review and approval in accordance with Article 9.
3. Violating Paragraph 1 of Article 13.
4. Violating Paragraph 2 of Article 25.

Article 36

One who evades, obstructs, or refuses the inspection or requirements for submission of materials specified in Paragraph 1 of Article 14 shall be punished with an administrative fine of more than New Taiwan Dollars Two Hundred Thousand but no more than New Taiwan Dollars One Million, and may be continually punished for each violation and be subject to compulsory inspection.

Article 37

One who violates the prescription as to the quality assurance criteria of nuclear reactor facilities prescribed by the competent authorities in accordance with Article 7 shall be punished with an administrative fine of more than New Taiwan Dollars One Hundred Thousand but no more than Five Hundred Thousand, and the competent authorities may order to cease the activities on the scene, the operation, to operate only under a limited power, or revoke the license; provided, however, that an order to improve the situation within a limited time period shall be first given if it is lightly circumstanced.

Article 38

One who commits any of the following acts shall be punished with an administrative fine of more than New Taiwan Dollars One Hundred Thousand but no more than Five Hundred Thousand and shall be ordered to improve the situation within a prescribed time period; and if it is not improved within the prescribed period, the punishment may be continually imposed for each violation:

1. Violating Article 10, not to submit the report, (or) the record according to the prescription of the competent authorities, or to make a false entry therein.
2. Violating Article 18, not to apply for the amendment within the period prescribed by the competent authorities.

Article 39

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

Court for compulsory execution.

Article 40

If a license is revoked according to this Act, the same kind of license shall not be applied for within one year commencing from the date of its revocation.

Chapter V Supplemental Provisions

Article 41

The competent authorities when implementing regulation, 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 authorities.

Article 42

Those who made distinguished contributions to facilitate the technology and practice as to the safety of nuclear reactor facilities may be encouraged; and the regulations therefor shall be prescribed by the competent authorities.

Article 43

Enforcement rules for this Act shall be prescribed by the competent authorities.

Article 44

This Act shall become effective as of the date of promulgation.