

Nuclear Safety Act

Note: This document is an unofficial translation from the Korean text. The original Korean text takes precedence and this translation is provided for convenience and general understanding. In case of any discrepancies, the original Korean document shall prevail.

Nuclear Safety Act

- Act No. 10911, Jul. 25, 2011
Enforcement Date Oct. 26, 2011
- Act No. 11715, Mar. 23, 2013., Amendment by Other Act
Enforcement Date Mar. 23, 2013
- Act No. 12666, May 21, 2014., Partial Amendment
Enforcement Date May. 21, 2014
- Act No. 12666, May 21, 2014., Partial Amendment
Enforcement Date Nov. 22, 2014
- Act No. 13078, Jan. 20, 2015., Partial Amendment
Enforcement Date Jan. 20, 2015
- Act No. 13078, Jan. 20, 2015., Partial Amendment
Enforcement Date Jul. 21, 2015
- Act No. 13616, Dec. 22, 2015., Partial Amendment
Enforcement Date Dec. 22, 2015
- Act No. 13389, Jun. 22, 2015., Partial Amendment
Enforcement Date Jan. 1, 2016
- Act No. 13616, Dec. 22, 2015., Partial Amendment
Enforcement Date Mar. 23, 2016
- Act No. 13389, Jun. 22, 2015., Partial Amendment
Enforcement Date Jun. 23, 2016
- Act No. 13545, Dec. 1, 2015., Partial Amendment
Enforcement Date Dec. 2, 2016
- Act No. 13616, Dec. 22, 2015., Partial Amendment
Enforcement Date Dec. 23, 2016
- Act No. 13545, Dec. 1, 2015., Partial Amendment
Enforcement Date Dec. 2, 2016
- Act No. 14839, Jul. 26, 2017., Amendment by Other Act
Enforcement Date Jul. 26, 2017
- Act No. 14958, Oct. 24, 2017., Partial Amendment
Enforcement Date Apr. 25, 2018
- Act No. 15281, Dec. 19, 2017., Partial Amendment
Enforcement Date Jun. 20, 2018
- Act No. 15749, Aug. 14, 2018., Partial Amendment
Enforcement Date Feb. 15, 2019
- Act No. 15749, Aug. 14, 2018., Partial Amendment
Enforcement Date Feb. 15, 2019
- Act No. 16575, Aug. 27, 2019., Partial Amendment
Enforcement Date Jan. 1, 2020
- Act No. 17359, Jun. 9, 2020., Amendment by Other Act
Enforcement Date Jun. 9, 2020
- Act No. 17640, Dec. 8, 2020., Partial Amendment
Enforcement Date Jun. 9, 2021
- Act No. 17755, Dec. 22, 2020., Partial Amendment
Enforcement Date Jun. 23, 2021
- Act No. 18145, Apr. 20, 2021., Partial Amendment
Enforcement Date Oct. 21, 2021

Nuclear Safety Laws of the Republic of Korea

Act No. 18238, Jun. 8, 2021., Amendment by Other Act
Enforcement Date Dec. 9, 2021
Act No. 18394, Aug. 10, 2021., Partial Amendment
Enforcement Date Feb. 11, 2022
Act No. 18145, Apr. 20, 2021., Partial Amendment
Enforcement Date Apr. 21, 2022
Act No. 18972, Jun. 10, 2022., Partial Amendment
Enforcement Date Jun. 10, 2022
Act No. 18972, Jun. 10, 2022., Partial Amendment
Enforcement Date Dec. 11, 2022
Act No. 18665, Dec. 28, 2021., Partial Amendment
Enforcement Date Dec. 29, 2022
Act No. 18972, Jun. 10, 2022., Partial Amendment
Enforcement Date Mar. 11, 2023

Chapter I General Provisions

Article 1 (Purpose)

This Act is designed to prevent radiation disasters for the sake of public safety by setting forth matters concerning safety management for the research, development, production, and use, etc. of nuclear energy.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term “nuclear energy” means all forms of energy released from an atomic nucleus in the course of transformation of an atomic nucleus;
2. The term “nuclear material” means nuclear fuel material and nuclear source material;
3. The term “nuclear fuel material” means material capable of producing nuclear energy, such as uranium, thorium, etc., as prescribed by the Presidential Decree;
4. The term “nuclear source material” means material which is raw material for nuclear fuel material, such as uranium ore, thorium ore, etc., as prescribed by the Presidential Decree;
5. The term “radioactive material” means nuclear fuel material, spent nuclear fuel, radioisotope and nuclear fission product;
6. The term “radioisotope” means isotope and its compounds which emit radiation, as prescribed by the Presidential Decree;
7. The term “radiation” means electromagnetic wave or particle beam which is

capable of direct or indirect ionization of air, as prescribed by the Presidential Decree;

8. The term “nuclear reactor” means the apparatus in which nuclear fuel material is used as fuel. Provided, that the nuclear reactor as prescribed by the Presidential Decree shall be excluded;
9. The term “radiation generating device” means the equipment which generates radiation by means of accelerating charged particles, as prescribed by the Presidential Decree;
10. The term “related facilities” means such facilities as prescribed by the Presidential Decree concerning the safety of nuclear reactor;
11. The term “refining” means physical or chemical processing of nuclear source material in order to increase the content of uranium or thorium contained in nuclear source material;
12. The term “conversion” means chemical processing of nuclear fuel material in order to change nuclear fuel material into a form in which it becomes suitable for fabrication;
13. The term “fabrication” means physical or chemical processing of nuclear fuel material in order to change nuclear fuel material into a form in which it may be used as fuel in a reactor;
14. The term “spent fuel processing” means processing of nuclear fuel material which has been used as fuel in a reactor or other nuclear fuel materials which have been subject to nuclear fission reaction for the purpose of research and experimentation, or it means separation of nuclear fuel material and other materials from spent fuel by physical or chemical processing;
15. The term “nuclear fuel cycle business” means the business related to refining, conversion, fabrication or spent fuel processing;
16. The term “controlled area” means an area in which the external radiation quantity and rate, the concentration of radioactive material in the air, or the surface contamination degree of material polluted by radioactive material is feared to exceed the limit prescribed by the Regulation of the Nuclear Safety and Security Commission, and in which people's access is required to be controlled for the safe management of radiation and measures are required to be taken to protect people with access for the prevention of radiation damage;
17. The term “internationally controlled material” means material which is subject to safeguards in accordance with the commitment relating to research, development and utilization of nuclear energy and other international treaties(hereinafter referred to as “international treaty”) as prescribed by the Ordinance of the Prime Minister;
18. The term “radioactive waste” shall mean radioactive materials or other materials contaminated by radioactive materials(including spent nuclear fuel determined

Nuclear Safety Laws of the Republic of Korea

to be disposed of in accordance with Article 35 (4)) that are subject to disposal(hereinafter referred to as “radioactive materials etc.”)

19. The term “radiation dose” means the quantity of radiation exposed to the exterior or interior of human body. Provided, that the quantity of radiation exposed for medical treatment and the quantity of natural radiation which is not artificially increased shall be excluded. In this case, kinds and application standards shall be determined and published by the Nuclear Safety and Security Commission;
20. The term “nuclear power utilization facility” means facility which is related to research, development, production and utilization of nuclear energy (hereinafter referred to as “nuclear power utilization”) as prescribed by the Presidential Decree;
21. The term “radiation worker” means a person who is engaged in the work which is exposed or feared to be exposed to radiation while working on operation, utilization, or preservation of the nuclear power utilization facility or on usage, treatment, storage, conservation, processing, discharge, disposal, transport, control, or decontamination of radioactive materials, etc.;
22. The term “safety-related facilities” means the structures, systems, or components important to safety as set forth under the Regulation of the Nuclear Safety and Security Commission and to whom safety classes are assigned in accordance with the Regulation of the Nuclear Safety and Security Commission, among nuclear reactors and related facilities;
23. The term “radiographic testing” means the non-destructive testing using radiation among those set forth under Article 2 of the Act on the Promotion and Management of Non-Destructive Testing Technology;
24. The term “decommissioning” means all actions or measures taken to exclude those who have been granted the permission or designation pursuant to this Act, and any facilities licensed to construct or operate pursuant to Article 63 (1) from the scope of application of this Act, through removal of the facility and the site or through decontamination thereof after permanent cessation of the operation of the facilities(hereinafter referred to as “permanent shutdown”) by those who have been granted permit pursuant to Article 20 (1), 30-2 (1), those who have been granted the permission or designation pursuant to Article 35 (1) or (2), and those who are licensed to construct or operate facilities pursuant to Article 63 (1);
- 24-2. “Closure” shall mean the administrative and technical actions (backfill, installation of cover, etc. of the underground spaces of facilities for the disposal of radioactive wastes) performed by those who are licensed to construct or operate facilities for the disposal of radioactive wastes and accessory facility in order to secure long-term safety after completing activities for the disposal of radioactive wastes pursuant to Article 63;

25. “Accident management” shall mean the actions taken to recover a nuclear reactor to a safe condition in the event of an accident at a reactor facility by mitigating the impact of an accident while preventing its proliferation. It also includes the management of a severe accident(hereinafter referred to as the “severe accident”) that causes remarkable damage to the reactor core in excess of the design standards provided by the Korea Nuclear Safety and Security Commission.

Article 2-2 (Basic principles of nuclear safety management)

Safety management pertaining to the research, development, production, use, etc. of nuclear energy(hereinafter referred to as “nuclear safety management”) shall be promoted in accordance with the following principles:

1. It shall observe the principles of the prevailing international norms, including the Convention on Nuclear Safety;
2. It shall contribute to the protection of national safety and the environment from radiation damages;
3. Safety standards shall be established after taking into account the level of development of science and technology.

Chapter II Establishment and Execution of Comprehensive Nuclear Safety Plan

Article 3 (Establishment of Comprehensive Nuclear Safety Plan)

(1) The Nuclear Safety and Security Commission(hereinafter referred to as the “Commission”) established under Article 3 of the Act on the Establishment and Operation of the Nuclear Safety and Security Commission shall establish the comprehensive nuclear safety plan(hereinafter referred to as the “comprehensive plan”) for the safety control of the utilization of nuclear energy(hereinafter referred to as “nuclear safety control”) every five years.

(2) The comprehensive plan shall include the matters falling under each of the following Subparagraphs:

1. Current status of and prospects for the nuclear safety control;
2. Policy targets and basic direction of nuclear safety control;
3. Tasks by sector and implementation thereof;
4. A plan to invest the required financial resources and securing such resources;
and
5. Other matters necessary for nuclear safety control.

Nuclear Safety Laws of the Republic of Korea

(3) If the Commission wishes to establish the comprehensive plan, he shall consult with the heads of ministries and agencies concerned. This provision shall also apply in a case where he wishes to change the existing comprehensive plan.

(4) The establishment and change of the comprehensive plan shall be determined finally through a deliberation and resolution of the Commission. Provided, however, that if any minor matters as prescribed by the Presidential Decree are changed, this shall not apply.

(5) If it is deemed necessary for establishing the comprehensive plan, the Commission may request the heads of the ministries and agencies concerned to submit materials necessary for the establishment of the comprehensive plan.

Article 4 (Execution of Comprehensive Plan)

(1) The Commission shall notify the heads of the ministries and agencies concerned of the comprehensive plan determined finally under the provisions of Article 3 (4) and the Commission and the heads of the ministries and agencies concerned shall establish every five years the execution plan by sector concerning the matters under their control, according to the comprehensive plan, and shall establish and execute detailed project promotion plan according to the execution plan by sector.

(2) The Commission and the heads of the ministries and agencies concerned shall, upon establishing the execution plan by sector as referred to in Paragraph (1), determine it finally in consultation with the heads of other ministries and agencies, if necessary, and the heads of the ministries and agencies concerned shall notify the Commission thereof.

Article 5 (Nuclear Safety-Specialized Institution)

(1) In order to professionally carry out functions concerning nuclear safety control, a nuclear safety-specialized institution may be established under the control of the Commission.

(2) Matters concerning the establishment and operation of the nuclear safety-specialized institution as referred to in Paragraph (1) shall be prescribed separately by the Acts.

Article 6 (Establishment of the Korea Institute of Nuclear Nonproliferation and Control)

(1) The Korea Institute of Nuclear Nonproliferation and Control (hereinafter referred to as “KINAC”) shall be set up for efficient execution of safeguards and export/import control regarding nuclear facilities and materials (hereinafter referred to as “nuclear control”).

- (2) The KINAC shall be a juridical person.
- (3) The establishment of the KINAC shall be effected by means of registration of incorporation thereof at the location of the primary office thereof.
- (4) The KINAC shall obtain the approval of the Commission for any revision to the Articles of Incorporation thereof.
- (5) The KINAC shall have no more than eleven directors, including one head of the Board of Directors and one president, as well as one auditor. Such executives shall be appointed by the Board of Directors as provided in the Articles of Incorporation, with the approval of the Commission.
- (6) The KINAC shall set up the Board of Directors for deliberation and decision-making regarding important matters thereof.
- (7) The president shall represent the KINAC, supervise affairs thereof, and manage /supervise the employees thereof.
- (8) The government may make contributions to the KINAC from the general budget in order to sufficiently cover the incorporation and operating costs thereof.
- (9) Except for matters provided herein in relation to the KINAC, the provisions of the Civil Act on incorporated foundations shall apply mutatis mutandis.

Article 7 (Duties of KINAC)

The KINAC shall perform each of the following duties:

1. Affairs related with nuclear facilities, equipment, technology, research and development as well as safeguards regarding nuclear materials as delegated by the Commission under Article 111 (1);
2. Affairs related with export and import control of internationally controlled materials including nuclear materials as delegated by the Commission under Article 111 (1);
3. Affairs related with physical protection as delegated by the Commission under Article 45 (1) of the Act on Physical Protection and Radiological Emergency;
4. Research and technological development regarding nuclear control;
5. Support for international cooperation regarding nuclear control;
6. Training on nuclear control;
7. Other matters necessary for performance of affairs pertaining to nuclear control.

Article 7-2 (Establishment of the Korea Foundation of Nuclear Safety)

(1) The Korea Foundation of Nuclear Safety(hereinafter referred to as the “Safety Foundation”) shall be founded to efficiently support activities intended to provide a strong safety foundation for nuclear energy and radiation.

(2) The Safety Foundation shall carry out the following services:

1. Survey and research of base data to support the Commission in formulating

Nuclear Safety Laws of the Republic of Korea

its nuclear safety policy;

2. A fact-finding survey as provided under Article 8 (1);
 3. Planning, management and evaluation of research and development projects for nuclear safety as provided under Article 9 (1);
 4. Education and training of radiation workers as provided in Article 106;
 5. Support for international cooperation as provided in Article 107-2;
 6. Services entrusted under this Act or other statutes, and other services deemed necessary by the Commission.
- (3) The Safety Foundation shall be a corporation.
 - (4) The Safety Foundation shall be duly constituted by registering its incorporation in the area where its main office is located.
 - (5) The enactment of or any amendment to the articles of incorporation of the Safety Foundation shall be authorized by the Commission.
 - (6) The Safety Foundation shall have a board of directors to deliberate and resolve on its important matters.
 - (7) The Safety Foundation shall be composed of up to eleven directors, including one chairperson and one auditor, as its executive officers, who shall be appointed by the board of directors as provided under the articles of incorporation, with the approval of the Commission.
 - (8) The Commission may contribute funds required to operate the Safety Foundation within the budgetary limits.
 - (9) Unless otherwise stipulated under this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the Safety Foundation.

Article 8 (Investigation of Actual Situations)

- (1) For the purpose of implementing efficiently the policy of nuclear safety, the Commission shall conduct an investigation on the actual situations of the nuclear safety. In this case, the Commission may have the institutions or organizations as prescribed by the Presidential Decree conduct such investigation on actual situations.
- (2) If it is deemed necessary for the investigation on actual situations as referred to in Paragraph (1), the Commission may request any nuclear power-related enterprise, educational institution, research institute, or other nuclear power-related organization, to furnish materials or to state opinions.

Article 9 (Implementation of Nuclear Safety Research and Development Projects)

- (1) In order to establish a plan for nuclear safety research and development projects according to an execution plan by sector established under the provisions of Article 4 (1) and to implement such projects efficiently, the Commission may

select each year the research development tasks, and have the institutions or organizations falling under each of the following Subparagraphs:

1. The institution established under the provisions of Article 5;
 2. KINAC;
 3. The institutions and organizations as referred to each of the provisions of Article 14 (1) of the Basic Research Promotion and Technology Development Support Act.
- (2) Expenses for the execution of the nuclear safety research and development projects as referred to in Paragraph (1) shall be covered by the financial resources falling under each of the following Subparagraphs:
1. Contribution of the Government;
 2. Nuclear safety regulation account of the Nuclear Energy Fund under Article 17 (2) of the Nuclear Energy Promotion Act;
 3. Residues resulting from the course of implementing the nuclear safety research and development project and other revenues.
- (3) Matters necessary for the execution of the nuclear safety research and development projects as referred to in Paragraph (1), and the operation of the expenses as referred to in Paragraph (2), shall be prescribed by the Presidential Decree.

Chapter III Construction and Operation of Nuclear Reactor and Related Facilities

▣ Section 1 Construction of Nuclear Power Reactor and Related Facilities

Article 10 (Construction Permit)

(1) A person who wishes to construct a nuclear power reactor and related facilities shall obtain construction permit from the Commission under the conditions as prescribed by the Presidential Decree. The same shall apply to a case where he wishes to change any permitted matters. Provided, however, that when he wishes to change any minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(2) Any person who intends to obtain the permit referred to under paragraph (1) shall submit to the Commission an application for a permit together with a radiological environmental impact assessment report, a preliminary safety analysis report, plans for quality assurance concerning construction, decommissioning plans of power generation reactors and related facilities, and other documents as specified under Ordinance of Prime Minister.

Nuclear Safety Laws of the Republic of Korea

(3) The Commission may grant, after review, a prior approval for a construction site to a person who wishes to construct a nuclear power reactor and related facilities and submit an application for such site prior to an application for construction permit.

(4) A person who has obtained the approval for the construction site under Paragraph (3) may execute the construction work to such extent as prescribed by the Ordinance of the Prime Minister.

(5) A person who wishes to obtain an approval for a construction site as referred to in Paragraph (3), shall file an application for the approval with the Commission, together with a statement of evaluation of environmental impact, an on-site investigation report, and other documents as prescribed by the Ordinance of the Prime Minister.

(6) Where a person who intends to construct a nuclear power reactor and related facilities, intends to construct structures under the provisions of Subparagraph 2 of Article 2 (1) of the Building Act after obtaining a prior approval for a construction site under the provisions of Paragraph (3), he shall be deemed to obtain the construction permit under the provisions of Article 11 of the same Act when he furnishes design documents to the head of an administrative agency concerned under the provisions of Article 11 (3) of the same Act.

(7) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 11 (Standards for Permit)

The standards for the construction permit as referred to in Article 10 (1) shall be as follows:

1. Technical capability necessary for construction of a nuclear power reactor and related facilities, as provided for in the Ordinance of the Prime Minister, shall be available;
2. The location, structures and equipment of the nuclear power reactor and related facilities shall conform to the technical standards as prescribed by the Regulations of the Nuclear Safety and Security Commission(hereinafter referred to as “Regulations of the Commission”) in such a way that they do not present any impediment to the protection of disasters caused by the radioactive materials, etc. to human bodies, materials and the public;
3. The construction of a nuclear power reactor and related facilities shall conform to the standards as prescribed by the Presidential Decree in order to prevent any harm to public health and the environment caused by the radioactive materials, etc.;
4. The contents of a quality assurance program under the provisions of Article

10 (2) shall conform to the standards as prescribed by the Regulations of the Commission;

5. The contents of the decommissioning plans specified under the Article 10 (2) shall meet the standards provided under the Regulations of the Commission.

Article 12 (Approval for Standard Design)

(1) Any person who intends to repeatedly construct the nuclear power reactor of the same design and install related facilities may obtain approval for such design (hereinafter referred to as “standard design”) from the Commission under the conditions as prescribed by the Presidential Decree and the same shall apply to a case where he intends to change the approved matters. Provided, that if he intends to change minor matters prescribed by the Ordinance of the Prime Minister, he shall file a report thereon with the Commission.

(2) Any person who intends to obtain the approval referred to in Paragraph (1) shall file an application for the approval, appended by a specification on the standard design and other documents prescribed by the Ordinance of the Prime Minister, with the Commission.

(3) The valid period of the approval under Paragraph (1) shall be ten (10) years, and the Commission may, when he deems that a serious impact on the safety of the design still exists even during the valid period, order any person who has been granted the approval for the standard design to correct or supplement the approved matters.

(4) Notwithstanding the provisions of the foregoing Paragraph (3), in the case of application for a construction permit regarding a nuclear reactor and related facilities by applying the standard design in the effective period of approval thereof, said standard design with respect to the nuclear reactor and related facilities shall be deemed effective until the operational license thereof.

(5) The standards for approval under the foregoing Paragraph (1) shall be as follows:

1. The location, structures, equipment and performance of a nuclear power reactor and related facilities shall conform to the technical standards as prescribed by the Regulations of the Commission in such a way that they do not present any impediment to the protection of disasters caused by the radioactive materials, etc. to human bodies, materials and the public;
2. The construction of a nuclear power reactor and related facilities shall conform to the standards as prescribed by the Presidential Decree in order to prevent any harm to public health and the environment caused by the radioactive materials, etc.

(6) The Commission may exclude matters prescribed by the Presidential Decree, including other matters in which new technologies are required to be incessantly reflected, from the standard design.

Nuclear Safety Laws of the Republic of Korea

(7) When the approval referred to in Paragraph (1) is granted, the matters for which approval is granted in advance under Paragraph (1) may not be entered in the application for permit as prescribed in Articles 10 (2) and 20 (2).

(8) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(9) The provisions of Article 14 shall apply *mutatis mutandis* to the case of Paragraph (1). In this case, “the permit of Article 10 (1)” in the part of exception for each of the provisions of Article 14 shall be deemed “the approval of Article 12 (1)” and “after the permit is revoked in accordance with Article 17” in Subparagraph 3 of the Article 14 shall be deemed “after the approval is revoked in accordance with Article 13,” respectively.

Article 13 (Revocation of Approval for Standard Design)

If a person who has been granted the approval under Article 12 (1) falls under any of the following Subparagraphs, the Commission may revoke such approval. Provided, however, that the approval shall be revoked when the person falls under either Subparagraph 1 or 4:

1. When he obtains the approval in a fraudulent and illegal manner;
2. When he changes the matters, any change of which requires approval, without obtaining approval therefor under the later part of the main sentence of Article 12 (1);
3. When he violates the order given under Article 12 (3);
4. When he falls under any of Subparagraphs 1, 2, and 4 of Article 14 which are applied *mutatis mutandis* in accordance with Article 12 (8). Provided, however, that in a case where an executive officer of a corporation falls under such case and he is replaced within three months, this shall not apply.

Article 14 (Disqualification)

A person who falls under any of the following Items shall not be granted construction permit as prescribed in Article 10 (1):

1. A person who has not been reinstated from a sentence of adult guardianship or bankruptcy;
2. A person who, due to the violation of the Act, has been sentenced to imprisonment or heavier punishment and for whom three years have not yet elapsed since execution of such punishment was completed or non-execution thereof was finally decided, or who is now under a suspended execution after such suspended execution was decided;
3. A person for whom two years have not yet elapsed after the permit as

prescribed in Article 17 was revoked;

4. A juridical person having any executive officer who falls under any of Items 1 through 3.

Article 15 (Regulation on Nuclear Material Accounting and Control)

(1) A person who has obtained permit under the provisions of Article 10 (1)(hereinafter referred to as “installer of nuclear power reactor”) shall make regulation on nuclear material accounting and control for the internationally controlled material(hereinafter referred to as “specific nuclear material”) under the conditions as prescribed by the Presidential Decree, and obtain the approval of the Commission, before starting the use of the specific nuclear material. The same shall also apply in a case where he wishes to change it. Provided, however, that if he wishes to change minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(2) If the Commission deems that the regulation on nuclear material accounting and control referred to in Paragraph (1) is not sufficient to ensure proper accounting and control of the specific nuclear material, he may order corrective measures therefor.

(3) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 15-2 (Reporting of Contracts on Safety-related Facilities)

A person who have filed an application for permit under Article 10 (2) or an installer of nuclear power reactor shall, when he concluded a contract(including a contracts between a contractor and a subcontractor) on their safety-related facilities or facilities related to any of the followings, report it to the Commission within 30 days of the conclusion of the contract in accordance with the Ordinance of the Prime Minister. This shall also apply to cases where any reported information is to be modified:

1. Information concerning the design of safety-related equipment or facility (including designs related to their construction);
2. Information concerning the manufacture of safety-related equipment or facility;
3. Information concerning the performance verification of safety-related equipment or facility.

Article 15-3 (Reporting of Nonconformance)

Those who fall under any of the followings shall report to the Commission in

Nuclear Safety Laws of the Republic of Korea

accordance with its notice upon finding nonconformance in any safety-related facilities or facilities necessary for accident management under Article 20 (2) that fails to meet the standards for permit under Article 11 or standards for license under Article 21, respectively:

1. Those who have submitted a permit application pursuant to Article 10 (2);
2. Installer of nuclear power reactor;
3. Designers or manufacturers of safety-related equipment or facilities under Article 15-2(hereinafter referred to as “suppliers”);
4. Those who verify the performance of safety-related equipment or facilities under Article 15-2(hereinafter referred to as “performance verifiers”).

Article 15-4 (Designation of Performance Verifier Controlling Agency)

(1) The Commission may designate a controlling agency(hereinafter referred to as “performance verifier controlling agency”) among those that can be entrusted with the authority under Article 111 to control the performance verifiers efficiently.

(2) The performance verifier controlling agency shall survey and report the operational status of performance verifiers to the Commission.

(3) The Commission may survey the operational status of the performance verifier controlling agency, order correction if deemed necessary based on the survey findings, or revoke its designation if it falls under any of the followings. Provided, however, that when the agency falls under Item 1, its designation shall be revoked:

1. The agency is designated by false or other illegal means;
2. The agency fails to meet the criteria for designation under the Presidential Decree;
3. The agency fails to comply with corrective orders.

(4) The Presidential Decree shall set forth the necessary matters concerning the designation criteria and job scope(including services of certifying performance verifiers).

(5) Those wishing to be designated as performance verifier controlling agency as set forth under Paragraph (1) shall submit to the Commission the application and supporting documents set forth under the Ordinance of the Prime Minister.

(6) The Commission may pay – in the form of equity contribution or subsidy – the necessary expenses for the performance verifier controlling agency to perform its services.

Article 16 (Inspection)

(1) The installer of nuclear power reactor, suppliers, or performance verifiers shall undergo an inspection of the Commission with respect to the construction

of the nuclear power reactor and related facilities, the matters on nuclear material control and accountancy, under the conditions as prescribed by the Presidential Decree.

(2) If it has turned out, as a result of the inspection as referred to in Paragraph (1) that he falls under any of the following Subparagraphs, the Commission may order an installer of nuclear power reactor, suppliers or performance verifiers to take corrective or complementary measures:

1. Where he has failed to meet the standards for the permit as referred in Article 11;
2. Where he has violated matters prescribed in the documents attached to an application for the permit under Article 10 (2) or the regulation on nuclear material accounting and control under Article 15.

Article 17 (Revocation, etc. of Construction Permit)

(1) The Commission may order the revocation of permit, or the suspension of construction work by specifying a period not exceeding one year, in a case where an installer of nuclear power reactor falls under any of the following Subparagraphs. Provided, however, that the permit shall be revoked when the operator falls under either Item 1 or 5:

1. Where he has obtained the permit by fraud or by any other illegitimate means;
2. Where he has failed to commence the permitted construction work within the period as prescribed by the Presidential Decree or where he has suspended the construction work for not less than one year without justifiable reasons;
3. Where he has changed any matters subject to the permit under the provisions of the latter part of Article 10 (1) without obtaining the permit of change;
4. Where he has failed to meet the standards for the permit as referred to in Article 11;
5. Where he falls under any of Items 1, 2 and 4 of Article 14. Provided, that in a case where an executive officer of a corporation falls under such case and he is replaced within three months, this shall not apply;
6. Where he has violated an order issued under Article 16 (2) or 98 (1) and (3);
7. Where he has violated the provisions of Article 15 (1), 94 or 96;
8. Where he has violated the conditions for the permit as referred to in Article 99.

(2) When ordering the suspension of the construction work pursuant to Paragraph (1), the Commission may instead impose a penalty surcharge of five billion won or less when such suspension is feared to cause inconvenience to the users of the project or hurt public benefit.

(3) The Presidential Decree shall determine the criteria for suspending the construction

Nuclear Safety Laws of the Republic of Korea

under Paragraph (1) or the criteria for imposing a penalty surcharge under Paragraph (2).

(4) If the penalty surcharge as referred to in Paragraph (2) is not paid within the time limit, the Commission shall collect it pursuant to the procedures applicable to the disposition of national taxes in default or shall order the suspension of the construction work as set forth under Paragraph (1) after revoking the imposed a penalty surcharge under Paragraph (2)

Article 18 (Records and Keeping)

An installer of nuclear power reactor shall make records of matters concerning the construction of the nuclear power reactor and related facilities under the provisions of the Ordinance of the Prime Minister, and keep such records at each construction site or place of business.

Article 19 (Succession and Report)

(1) Provided, That this shall not be the case where the successor (excluding the inheritor) falls under any of the disqualification criteria listed in Article 14 subparagraphs 1 to 4.

(2) In case the inheritor succeeding the position of nuclear power reactor installer pursuant to paragraph (1) falls under any of the disqualification criteria listed in Article 14 subparagraphs 1 through 3, the position shall be assigned to another individual within three months of the commencement date of the succession.

(3) The individual succeeding the position of nuclear power reactor installer pursuant to paragraph (1) shall report to the Commission in accordance with the matters prescribed in the Ordinance of the Prime Minister within 30 days of the succession.

(4) In receipt of a report under the proviso to paragraph (3), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(5) Where a report under paragraph (3) is received, the transferee, the heir, or a corporation surviving or established by merger shall succeed the status of the installer of the nuclear power reactor from the date of the transfer, the date of inheritance, or the date of the merger.

■ Section 2 Operation of Nuclear Power Reactor and Related Facilities

Article 20 (Operating License)

(1) A person, who wishes to operate the nuclear power reactor and related facilities, shall obtain license from the Commission under the conditions as prescribed by the Presidential Decree. The same shall apply in a case where he wishes to change any licensed matters. Provided, however, that when he wishes to change minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(2) Any person who desires to obtain a license under paragraph (1) shall submit to the Commission an application for a license that shall be accompanied by the technical specifications on the operation of a nuclear power reactor and the related facilities, a final safety analysis report, an accident management program(including a severe accident management program), a quality assurance plan related to its operation, an environmental impact assessment report of radiation(only the part that is different from the environmental impact assessment report of radiation submitted under Article 10 (2)), a decommissioning plan of a nuclear power reactor and the related facilities(only the part that is different from the decommissioning plan submitted under Article 10 (2)), a plan for discharging radioactive materials etc. in liquid or gas form(including the total quantity to be discharged by site, period, and nuclide group), and other documents prescribed by the Ordinance of the Prime Minister.

(3) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(4) The provisions of Article 14 shall apply mutatis mutandis to the cases as referred to in Paragraph (1). Provided, that in this case, the term “Article 17” in Subparagraph 3 of Article 14 shall be regarded as “Article 24”.

Article 21 (Standards for License)

(1) The standards for the operation license as referred to in Article 20 (1) shall be as follows:

1. Technical capabilities necessary for the operation of the nuclear power reactor and related facilities, as provided for in the Regulations of the Commission, shall be available;
2. Performance of the nuclear power reactor and related facilities shall conform to the technical standards as prescribed by the Regulations of the Commission in such a way that there may not be any impediment to the protection against radiation damages to human bodies, materials and the general public caused by radioactive materials, etc.;
3. The operation of the nuclear power reactor and related facilities shall conform to the standards as prescribed by the Presidential Decree in order

Nuclear Safety Laws of the Republic of Korea

to prevent any harm to public health and the environment caused by radioactive materials, etc.;

4. The contents of the quality assurance program under Article 20 (2) shall conform to the standards as prescribed by the Regulations of the Commission;
5. The contents of the decommissioning plans specified under Article 20 (2) shall satisfy the standards provided under the Regulations of the Commission;
6. The contents of the accident management program submitted pursuant to Article 20 (2) shall satisfy the standards prescribed by the Regulations of the Commission.

(2) To permanently discontinue a nuclear power reactor and related facilities, the amendment of license shall be obtained as provided under Article 20 (1). Some of the standards for license under the subparagraphs of paragraph (1) may not be applied if the case falls under any of the following:

1. When it is difficult to apply the standards for license under paragraph (1) without modification due to the permanent shutdown of the nuclear power reactor and the related facilities;
2. When safety is not impeded in view of the purpose of permanent shutdown of the facilities even if the standards for license under paragraph (1) are not applied.

Article 22 (Inspection)

(1) A person, who has obtained license under Article 20 (1)(hereinafter referred to as “operator of nuclear power reactor”), suppliers, or performance verifiers shall undergo an inspection of the Commission for matters, etc. concerning the operation of the nuclear power reactor and related facilities, and the control and accountancy for the specific nuclear materials, under the conditions as prescribed by the Presidential Decree.

(2) The Commission may order correction or supplementation by the operator of nuclear power reactor, suppliers, or performance verifiers when they fall under any of the following based on the outcome of inspection under Paragraph (1):

1. They fail to satisfy the standards for permit under Article 21, or measure taken under Article 26 (1) is insufficient;
2. They turn out to disagree with the information given in supporting documents attached to their application under Article 20 (2) or violate the provisions concerning regulation on nuclear material accounting and control under Article 15, which is applicable mutatis mutandis under Article 29.

Article 23 (Periodic Safety Review)

(1) The operator of the nuclear power reactor shall periodically review the safety of the nuclear power reactor and related facilities, and report the results

thereof to the Commission under the conditions as prescribed by the Presidential Decree. Provided, however, that the Presidential Decree shall provide for any matters pertaining to the periodic assessment of the nuclear power reactor and related facilities that have been determined to permanently discontinued based on a change licence obtained pursuant to Article 21 (2).

(2) The Commission may, when the results of the periodic safety review referred to in Paragraph (1) and the safety measures taken based on such results are deemed insufficient, order the operator of the relevant nuclear power reactor to correct or supplement such insufficiencies.

(3) Matters concerning the method and contents of review, etc. in Paragraph (1) shall be prescribed by the Presidential Decree.

Article 24 (Revocation, etc. of Operating License)

(1) The Commission may order the revocation of license or the suspension of the operation by specifying a period not exceeding one year, if the operator of the nuclear power reactor falls under any of the following Subparagraphs. Provided, however, that the permit shall be revoked when the operator falls under either Item 1 or 4:

1. Where he has obtained the license by fraud or by any other illegitimate means;
 2. Where he has failed to commence the operation for which the license was issued, within the period as prescribed by the Presidential Decree or where he has discontinued the business continuously for not less than one year without justifiable reasons;
 3. Where he has changed any matters subject to the permit under the provisions of the latter part of Article 20 (1) without obtaining the permit of change;
 4. Where he falls under any of Subparagraphs 1, 2 and 4 of Article 14 as applied mutatis mutandis under Article 20 (3). Provided, that in a case where an executive officer of a corporation falls under such case and if he is replaced within three months, this shall not apply;
 5. Where he has failed to meet the standards for the license as referred to in Article 21;
 6. Where he has violated an order issued under Articles 22 (2), 23 (2), 27, 92 (2) or 98 (1) and (3);
 7. Where he has violated the provisions of Article 15 (1) as applied mutatis mutandis under Article 29;
 8. Where he has violated the provisions of Articles 26, 70, 89 (5), 94, 96 or 106 (1);
 9. Where he has violated the conditions for the permit as referred to in Article 99.
- (2) The provisions of Article 17 (2) through (4) shall be applied mutatis mutandis in a case where the suspension of the operation is to be ordered

under Paragraph (1).

Article 25 (Records and Keeping)

The operator of the nuclear power reactor shall make records of matters concerning the operation of the nuclear power reactor and related facilities under the provisions of the Ordinance of the Prime Minister, and keep such records at each operation site or place of business.

Article 26 (Safety Measures for Operation, etc.)

(1) In case a nuclear power reactor operator operates a nuclear reactor for power generation and related facilities, he or she shall take the following measures in accordance with the matters prescribed in the Regulations of the Commission for the safety of human bodies, material objects and the public. Provided, That this shall not be necessary where it is acknowledged by the Commission that it is difficult to apply the measures, as prescribed, due to the differences in the purpose of use or design principles of the nuclear reactor or that it will not cause any safety issues even if the measures are not applied from the technical perspective: <Amended, Dec. 19, 2017>

1. Measures related to the radiation dose to be exposed to, etc.;
2. Measures related to the operational safety of the nuclear reactor;
3. Measures related to the self-inspections of the nuclear reactor facilities;
4. Measures related to the inspections and testing during the operation of the nuclear reactor facilities;
5. Other measures prescribed by Presidential Decree in regard to the safety of nuclear reactors for power generation and related facilities.

(2) The operator of the nuclear power reactor and his employees shall observe the technical specifications as referred to in Article 20 (2).

(3) The operator of the nuclear power reactor shall let, not less than one license holder of the supervisor of the nuclear reactor operation and also not less than one license holder of the operator of nuclear reactor under the provisions of Article 84, be present at the controls at all times during the operation of each nuclear reactor.

(4) The operator of the nuclear power reactor shall assign, not less than one license holder of the supervisor of nuclear fuel material handling and not less than one license holder of the supervisor of radiation handling under Article 84, to work for the safety control of nuclear material and radiation in the reactor and related facilities.

(5) The operator of a nuclear power reactor who has been permitted to permanently discontinue its operation pursuant to Article 21 (2) may be exempted partly from (1) through (4) if the Commission believes that the

case falls under any of the following:

1. When paragraphs (1) through (4) can hardly be applied in full because the nuclear power reactor and related facilities have been permanently discontinued;
2. When safety is not endangered technically in view of the purpose of the permanent shutdown even though safety measures are not taken pursuant to paragraphs (1) through (4).

(6) A nuclear power reactor operator shall obtain approval of the Commission before resuming the operation of its nuclear reactors in any of the following cases:

1. Where the operation of nuclear reactors was suspended following an order to suspend operation under Article 24;
2. Where the operation of nuclear reactors was suspended following an order to suspend use under Article 27;
3. Where the operation of nuclear reactors was suspended in any of the cases under Article 92 (1);
4. Where the operation of nuclear reactors was suspended following an order to suspend use under Article 92 (2).

Article 27 (Suspension, etc. of Use of Nuclear Power Reactor and Related Facilities)

The Commission may, when the performance of the nuclear power reactor and related facilities are deemed to be not in conformity with technical standards under the provisions of Subparagraph 2 of Article 21, or measures taken pursuant to Article 26 (1) are deemed insufficient, order the operator of the nuclear power reactor to take measures, such as suspension of use, reconstruction, repair, transfer, and designation of operation methods for the nuclear power reactor and related facilities, or change of technical specifications referred to in Article 20 (2), decontamination, or other necessary measures for safety.

Article 28 (Decommissioning of Nuclear Power Reactor and Related Facilities)

(1) If the operator of nuclear power reactor intends to decommission a nuclear power reactor and related facilities, he shall obtain in advance approval from the Commission as prescribed by the Presidential Decree. The same shall apply to the case where he intends to change such approved matters. Provided, however, that he shall file a report to the Commission when he intends to change minor matters as prescribed by the Ordinance of the Prime Minister.

(2) Those who desire to obtain approval under paragraph 1 shall submit to the Commission a written application together with decommissioning plans of the nuclear power reactor and the related facilities and documents provided for in the Ordinance of Prime Minister.

(3) The operator of a nuclear power reactor shall report the decommissioning status of its nuclear power reactor and the related facilities to the Commission as provided under the Ordinance of the Prime Minister. In such cases, the Commission shall check or inspect the decommissioning status of the nuclear power reactor and the related facilities.

(4) The operator of a nuclear power reactor shall report to the Commission upon completion of the decommissioning of its nuclear power reactor and the related facilities, as provided under the Ordinance of the Prime Minister.

(5) Those who desire to submit a report pursuant to the paragraph (4) shall submit to the Commission a decommissioning completion report together with the documents provided under Ordinance of the Prime Minister.

(6) The Commission shall inspect the nuclear power reactor and the related facilities upon completion of their decommissioning, as provided under Ordinance of the Prime Minister.

(7) The Commission may order corrective or supplementary work if the operator of the nuclear power reactor fails to implement its decommissioning plans or if any discrepancies are found in its report on the completion of decommissioning under paragraph (5), based on the outcome of its check or inspection under paragraph (3) or its inspection under paragraph (6).

(8) The Commission shall notify in written form the operator of the nuclear power reactor of its termination of the operating license of the nuclear power reactor and the related facilities under Article 20 (1) upon completion of the inspection under paragraph (6).

(9) When notifying the operator of the nuclear power reactor pursuant to the foregoing paragraph (8), the Commission may attach conditions to for the reuse of the site when the nuclear power reactor and related facilities are decommissioned if it is necessary to prevent radiation incidents or to protect public safety.

(10) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 29 (Mutatis mutandis application)

Articles 15, 15-2, 15-3, and 19 shall apply mutatis mutandis to the business approval of the operator of nuclear power reactor, reporting of a contract on safety-related facilities, reporting of nonconformance, or inheritance. In this connection, a installer of nuclear power reactor shall be regarded as operator of nuclear power reactor.

▣ Section 3 Construction and Operation of Nuclear Research Reactor, etc.

Article 30 (Permit for the construction of research reactors)

(1) A person, who intends to construct the nuclear reactor and related facilities for research or educational purposes, shall obtain, according to their respective types, permit from the Commission as prescribed by the Presidential Decree. The same shall also apply to the case where he wishes to change any permitted matters. Provided, however, that if he wishes to change any minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(2) A person who intends to obtain a permit pursuant to paragraph (1) shall submit to the Commission a written permit application by type of permit together with the Radiological Environmental Impact Assessment Report, Preliminary Safety Analysis Report, Quality Assurance Plan for Construction, decommissioning plans for research or educational nuclear reactors, and other documents as provided under Ordinance of the Prime Minister.

(3) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(4) Articles 11 and 14 shall apply mutatis mutandis to a permit or a modification permit under Paragraph (1). In this connection, "Article 17" under paragraph (3), Article 14 shall read as "Article 32".

Article 30-2 (Permit for the operation of research nuclear reactors)

(1) A person who intends to operate nuclear reactor and related facilities for research or educational purposes shall obtain, according to their respective types, a permit from the Commission as set forth under the Presidential Decree. The same shall also apply to the case where he wishes to change any permitted matters. Provided, however, that if he wishes to change any minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(2) A person, who intends to obtain the permit under Paragraph (1), shall submit an application for the permit to the Commission, together with the technical specifications, final safety analysis report, quality assurance plan for operation, radiological environmental impact assessment report(corresponding to the portions that have varied from the radiation environment report submitted pursuant to Article 30 (2), decommissioning plans for nuclear reactors and other related facilities for research or educational purposes(limited to the modified portions of the decommissioning plans submitted pursuant to Article 30 paragraph (2)) and other supporting documents set forth under the Ordinance of the Prime Minister, depending on the type of permits.

(3) In receipt of a report under the proviso to paragraph (1), the Commission

Nuclear Safety Laws of the Republic of Korea

shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(4) Articles 14 and 21 shall apply mutatis mutandis to operation licenses and amendment of licenses provided for in paragraph (1). In such cases, “Article 17” in subparagraph 3 of Article 14 shall read as “Article 32”.

Article 31 (Report, etc. of Entry and Departure of Foreign Atomic Powered Ship)

(1) Where a person falling under each of the following Subparagraphs who owns a nuclear -reactor-installed ship(excluding any warship and hereafter in this Article referred to as the “foreign atomic-powered ship”) intends to make his ship enter or leave a port in the Republic of Korea, he shall file a report in advance to the Commission as prescribed by the Presidential Decree:

1. A person who does not have the Korean nationality; and
2. A person who is not a juridical person or an organization established pursuant to Korean acts and subordinate statutes.

(2) Where the Commission has received the report as referred to in Paragraph (1) and deems necessary, he shall inform the Minister of Ocean and Fisheries of such measures that the operator of foreign atomic-powered ship shall take for prevention of disaster caused by nuclear reactor or radioactive material under the conditions as prescribed by the Ordinance of the Prime Minister.

(3) Upon receiving the report referred to in Paragraph (2), the Minister of Ocean and Fisheries shall order the operator of a foreign atomic-powered ship to take necessary measures for prevention of disaster caused by a nuclear reactor or radioactive material according to the contents of the report, and instruct the head of local harbor office to regulate properly the operation of such atomic-powered ship.

(4) In receipt of a report under the paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 32 (Revocation of Permit for Construction and Permit for Operation, etc.)

(1) The Commission may order the revocation of permit or the suspension of business within one year in a case where a person who has been granted permit under Article 30 (1)(hereinafter referred to as “installer of a nuclear research reactor, etc.”) or a person who has been granted permit under Article 30-2 (1)(hereinafter referred to as “Operator of a nuclear research reactor, etc.”) falls under any of the following Subparagraphs. Provided, however, that the approval shall be revoked when the person falls under either Item 1 or 4:

1. Where he has obtained the permit by fraud or by any other illegitimate means;
2. Where he has failed to commence the business for which the permit was

issued within the period as prescribed by the Presidential Decree, or where he has suspended the business continuously for not less than one year without justifiable reasons;

3. Where he has failed to meet the standards for the permit as referred to in Articles 11 and 21 as applied mutatis mutandis under Article 30 (3) or Article 30-2 (3);
 4. Where he falls under any of Subparagraphs 1, 2 and 4 of Article 14 as applied mutatis mutandis under Article 30 (3) or Article 30-2 (3). Provided, however, that in a case where an executive officer of a corporation falls under such case and he is replaced within three months, this shall not apply;
 5. Where he has changed any matters subject to the permit under the provisions of the latter part of Article 30 (1) or the latter part of Article 30-2 (3) without obtaining the permit of change;
 6. Where he has violated the provisions of Article 15 (1) or 26 as applied mutatis mutandis under Article 34;
 7. Where he has violated an order issued under Article 16 (2), 22 (2), or 27 as applied mutatis mutandis under Article 34;
 8. Where he has violated an order issued under Article 31 (3), 92 (2) or 98 (1) and (3);
 9. Where he has violated the provisions of Article 70, 89 (5), 94, 96 or 106 (1);
 10. Where he has violated the conditions for permit as referred to in Article 99;
 11. The installer/operator has violated an order under, Article 23 (2), which is applied mutatis mutandis pursuant to Article 34 (1).
- (2) Article 17 (2) through (4) shall apply mutatis mutandis when the Commission is to suspend a project pursuant to Paragraph (1).

Article 33 (Report on Suspension and Discontinuation of Business)

(1) When the installer of a nuclear research reactor or operator of a nuclear research reactor suspends or discontinues, in whole or in part, his business or resumes his suspended business, he shall file a report to the Commission within 30 days from the date of such suspension, discontinuation or resumption of the business.

(2) In receipt of a report under the paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 34 (Mutatis mutandis application)

(1) Articles 15, 15-2, 15-3, 16, 18, 19, 22, 23, and 25 through 28 shall apply mutatis mutandis to the various duties of an installer/operator of research

reactor.

(2) For the mutas mutandis application set forth under paragraph (1), “installer of a nuclear power reactor” shall be deemed as “installer of a research reactor, etc.,” “operator of a nuclear power reactor” as “operator of a research reactor, etc.,” and “operation suspension order under Article 24” in Article 26 (6) 1 as “business suspension order under Article 32,” respectively.

Chapter IV Nuclear Fuel Cycle Business and Use of Nuclear Material, Etc.

▣ Section 1 Nuclear Fuel Cycle Business

Article 35 (Permit, etc. for Nuclear Fuel Cycle Business)

(1) A person, who intends to carry on the business of refining or fabricating nuclear source material or nuclear fuel material(including the business of converting such material), shall obtain permit from the Commission as prescribed by the Presidential Decree. The same shall also apply to the case where he intends to change any permitted matters. Provided, that if he wishes to change any minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(2) A person, who intends to carry on the spent fuel processing business, shall have his business designated by the competent minister under the conditions as prescribed by the Presidential Decree. If he wishes to change any designated matters, he shall obtain the permit of the competent minister. Provided, that if he wishes to change any minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(3) A person, who intends to obtain permit under the provisions of Paragraph (1), shall submit to the Commission and a person, who intends to have his business designated under the provisions of Paragraph (2), shall submit to the competent minister, respectively, an application for the permit or the designation together with radiological environmental impact assessment report, safety management regulations, description of design and construction methods, quality assurance program for the operation of the business, decommissioning plans and other documents as prescribed by the Ordinance of the Prime Minister.

(4) Matters necessary for the processing or disposal of spent fuel shall be determined by the The Minister of Science and ICT and the Minister of Trade, Industry and Energy in consultation with the Commission and the relevant ministers and through deliberation and decision of the Nuclear Energy

Promotion Commission as prescribed by article 3 of the Nuclear Energy Promotion Act.

(5) In receipt of a report under the proviso to paragraph (1) or the proviso to paragraph (2), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(6) The provisions of Article 14 shall apply mutatis mutandis to the case as referred to in paragraphs (1) and (2). In this case, “Article 17” in subparagraph 3 of Article 14 shall be regarded as “Article 38”.

Article 36 (Standards for Permit, etc.)

(1) Standards for permit or designation as referred to in Article 35 (1) and (2) are as follows:

1. Technical capability necessary for the undertaking of business, as provided for in the Ordinance of the Prime Minister, shall be available;
2. Location, structure, equipment, and performance of nuclear fuel cycle facility shall conform to technical standards as prescribed by the Regulations of the Commission of the Prime Minister in such a way that there may not be any impediments to the preventive measures against hazards to human bodies, materials, and the general public caused by radioactive material, etc.;
3. The operation of nuclear fuel cycle facility shall conform to the standards as prescribed by the Presidential Decree in order to prevent any harm to public health and the environment caused by radioactive material, etc.;
4. The contents of the decommissioning plans under Article 35 (3) shall meet the criteria provided under the Regulations of the Commission.

(2) The nuclear fuel cycle enterpriser shall obtain an amendment of license under Article 35 (1) to permanently discontinue its nuclear fuel cycling facility. Some of the designation criteria under the subparagraphs of paragraph (1) may not be applied when the case falls under any of the following:

1. When the standards for permit or designation under paragraph (1) can hardly be applied because the nuclear fuel cycling facilities have been permanently discontinued;
2. When safety is not impeded in view of the purpose of permanently discontinuing the facilities even if the standards for permit under paragraph (1) are not applied.

Article 37 (Inspection)

(1) A person who has obtained permit or designation under the provisions of Article 35 (1) and (2) (hereinafter referred to as “nuclear fuel cycle enterpriser”) shall undergo the inspection of the Commission on matters, etc.

Nuclear Safety Laws of the Republic of Korea

concerning the installation and operation of nuclear fuel cycle facility, and the control and accountancy for the specific nuclear material as prescribed by the Presidential Decree.

(2) If it has turned out, as a result of the inspection as referred to in Paragraph (1), that a nuclear fuel cycle enterpriser falls under any of the following Subparagraphs, the Commission may order him to take corrective or complementary measures:

1. Where he has failed to meet standards for permit under the provisions of Article 36, or where safety measures under the provisions of Article 40 (1) are insufficient;
2. Where he has violated matters prescribed in the documents attached to an application for permit under the provisions of Article 35 (3) and the regulation on nuclear material accounting and control under the provisions of Article 15 applicable mutatis mutandis under Article 44.

Article 38 (Revocation of Permit, etc.)

(1) In a case where the nuclear fuel cycle enterpriser falls under any of the following Subparagraphs, the Commission may revoke the permit and the competent minister may cancel the designation, respectively, or they may order him to suspend his business by specifying a period not exceeding one year. Provided, however, that the permit or designation shall be revoked when the operator falls under either Subparagraph 1 or 4:

1. Where he has obtained the permit or the designation by fraud or by any other illegitimate means;
2. Where he has failed to commence the permitted or designated business within such period as prescribed by the Presidential Decree or has suspended such business continuously for not less than one year;
3. Where he has changed any matters subject to the permit under the provisions of the latter part of Article 35 (1) or (2) without obtaining the permit of change;
4. Where he falls under any of Subparagraphs 1, 2 and 4 of Article 14 as applied mutatis mutandis under Article 35 (5). Provided, that in a case where an executive officer of a corporation falls under such case and he is replaced within three months, this shall not apply;
5. Where he has failed to meet the standards for the permit or designation as referred to in Article 36;
6. Where he has violated an order given under Article 37 (2), 41, 92 (2) or 98 (1) and (3);
7. Where he has violated the provisions of Articles 40 (1) or (2), 70, 89 (5), 94, 96 or 106 (1);
8. Where he has violated the provisions of Article 15 (1) which apply mutatis

mutandis under Article 44;

9. Where he has violated the conditions for the permit or the designation as referred to in Article 99.

(2) The provisions of Article 17 (2) through (4) shall apply mutatis mutandis in a case where a suspension of business shall be ordered under the provisions of Paragraph (1).

Article 39 (Records and Keeping)

The nuclear fuel cycle enterpriser shall make records of matters on the construction and operation of nuclear fuel cycle facility under the conditions as prescribed by the Ordinance of the Prime Minister and keep such records at each site or place of business.

Article 40 (Safety Measures, etc. for Operation)

(1) In operating the facility, the nuclear fuel cycle enterpriser shall take measures, etc. for the safety of human bodies, materials and the public under the conditions as prescribed by the Presidential Decree.

(2) The nuclear fuel cycle enterpriser and his employees shall observe the safety management regulations referred to in Article 35 (3).

(3) When a nuclear fuel cycle enterpriser has obtained an amendment of license for permanent shutdown pursuant to Article 36 (2), parts of paragraphs (1) and (2) may not be applied if the Commission determines that the case falls under any of the following:

1. When paragraphs (1) and (2) can hardly be applied because the nuclear fuel cycling facilities have been permanently discontinued;
2. When safety is not endangered technically in view of the purpose of the permanent shutdown even though safety measures are not taken pursuant to paragraphs (1) and (2).

Article 41 (Measures for Suspension of Operation of Nuclear Fuel Cycle Facility)

The Commission, when he recognizes that the safety measures under the provisions of Article 40 are insufficient, may order the nuclear fuel cycle enterpriser to suspend using the facility, or renovate, repair, relocate such facility and to take measures for the safety of such facility including the designation of operational methods.

Article 42 (Decommissioning of Nuclear Fuel Cycle Facility)

(1) The nuclear fuel cycle enterpriser, who intends to decommission nuclear

Nuclear Safety Laws of the Republic of Korea

fuel cycling facilities, shall obtain approval to decommission plans from the Commission in advance as provided under the Presidential Decree. This shall also apply to cases where any approved details are to be modified. Provided, however, that if he wishes to change any minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it to the Commission.

(2) Those who desire to obtain approval under paragraph (1) shall submit to the Commission a written application together with decommissioning plans for the nuclear fuel cycling facilities and documents as provided under Ordinance of Prime Minister.

(3) Deleted.

(4) Deleted.

(5) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 43 (Report on Business Commencement)

(1) Any nuclear fuel cycle enterpriser shall, when he commences, suspends, or discontinues his business or resumes his suspended business, file a report to the Commission within 30 days from the date of such commencement, suspension, discontinuation or resumption of his business.

(2) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 44 (Mutatis mutandis application)

Article 15, 19 and 28 (3) through (9) shall apply mutatis mutandis to approval of the operation, succession or decommissioning of nuclear fuel cycling facilities. In this connection, a “nuclear power reactor installer” or a “nuclear power reactor operator” shall be deemed to be a nuclear fuel cycle enterprise.

▣ Section 2 Use of Nuclear Material

Article 45 (Permit for Use, etc. of Nuclear Fuel Material)

(1) A person, who wishes to use or possess nuclear fuel material, excluding those falling under any of the following Subparagraphs, shall obtain the permit of the Commission under the conditions as prescribed by the Presidential Decree. The same shall also apply to the case where he wishes to change permitted matters. Provided, that if he wishes to change any minor matters as

prescribed by the Ordinance of the Prime Minister, he shall report it:

1. Where the installer of nuclear power reactor, the operator of nuclear power reactor, the installer of nuclear research reactor or the operator of nuclear research reactor, etc. uses nuclear fuel materials for the permitted business;
2. Where the nuclear fuel cycle enterpriser uses nuclear fuel material for the permitted or designated business;
3. Where nuclear fuel material of such kinds and quantity as prescribed by the Presidential Decree is used.

(2) A person, who intends to obtain permit as provided for in Paragraph (1), shall file an application for permit, attached with the safety management regulations and documents prescribed by the Ordinance of the Prime Minister, to the Commission.

(3) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(4) The provisions of Article 14 shall apply mutatis mutandis with respect to cases as referred to in paragraph (1). In this case, "Article 17" in subparagraph 3 of Article 14 shall be regarded as "Article 48".

Article 46 (Standards for Permit)

The standards for the permit as provided in Article 45 (1) shall be as follows:

1. Technical capability necessary for the use or possession of nuclear fuel material, as provided for in the Ordinance of the Prime Minister, shall be available;
2. Location, structure and equipment of use facility, distribution facility, storage facility, conservation facility, treatment facility and discharge facility (hereinafter referred to as "use facility, etc.") shall conform to the technical standards as prescribed by the Regulations of the Commission and there shall not be impediment to the preventive measures against damages to human bodies, materials and the public caused by radioactive material, etc.;
3. Any use or possession of nuclear fuel material shall conform to the standards as prescribed by the Presidential Decree in order to prevent any harm to public health and the environment caused by radioactive material, etc.;
4. It is required to secure equipment and manpower prescribed by the Presidential Decree.

Article 47 (Inspection)

(1) A person, who has obtained permit under Article 45 (1)(hereinafter referred to as "nuclear fuel material user"), shall undergo the inspection of the Commission with respect to matters, etc. concerning the use or possession of

nuclear fuel material and the control and accountancy of specific nuclear material, under the conditions as prescribed by the Presidential Decree.

(2) If it has turned out as a result of the inspection as referred to in Paragraph (1) that a nuclear fuel material user falls under any of the following Subparagraphs, the Commission may order him to take corrective or complementary measures:

1. Where he has failed to meet the standards for the permit as provided in Article 46, and the technical standards as provided in the main sentence of Article 50 (1);
2. Where he has violated matters prescribed in the documents attached to an application for permit referred to in Article 45 (2) or the regulation on nuclear material accounting and control referred to in Article 15 applicable *mutatis mutandis* under the provisions of Article 51.

Article 48 (Revocation, etc. of Permit for Use and Possession)

(1) The Commission may, in a case where a nuclear fuel material user falls under any of the following Subparagraphs, revoke his permit or order him to suspend his operation by specifying a period of not exceeding one year. Provided, however, that the permit shall be revoked when the operator falls under either Subparagraph 1 or 3:

1. Where he has obtained the permit by fraud or by any other illegitimate means;
2. Where he has changed any matters subject to the permit under the provisions of the latter part of Article 45 (1) without obtaining the permit of change;
3. Where he falls under any of Subparagraphs 1, 2 and 4 of Article 14 as applied *mutatis mutandis* under Article 45 (3). Provided, that in a case where an executive officer of a corporation falls under such case and he is replaced within three months, this shall not apply;
4. Where he has failed to meet the standards for the permit as provided in Article 46;
5. Where he has violated the provisions of Article 15 (1) which applies *mutatis mutandis* under Article 50 (3) or the provisions of Article 51;
6. Where he has violated an order issued under Article 47 (2), 50 (2), 92 (2) or 98 (1) and (3);
7. Where he has violated the provisions of Article 70, 94, 96 or 106 (1);
8. Where he has violated the conditions for the permit as provided in Article 99.

(2) When suspending a service as set forth under Paragraph (1), the Commission may instead impose a penalty surcharge of 500 million won or less.

(3) The Presidential Decree shall determine the criteria for suspending the service under Paragraph (1) or the criteria for imposing a penalty surcharge under Paragraph (2).

(4) When the person who is supposed to pay the fine under Paragraph (2) fails to do so within the given period, the Commission shall collect it pursuant to the procedures applicable to the disposition of national taxes in default or shall suspend the service as set forth under Paragraph (1) after revoking the imposed penalty surcharge under Paragraph (2).

Article 49 (Records and Keeping)

A nuclear fuel material user shall make records of matters concerning the use or possession of nuclear fuel material under the conditions as prescribed by the Ordinance of the Prime Minister and keep such records at each site or place of business.

Article 50 (Obligation to Observe Standards, etc.)

(1) Any nuclear fuel material user shall observe the technical standards prescribed by the Regulations of the Commission with respect to matters falling under the following Sub-paragraphs:

1. Use, distribution, storage, transport, conservation, treatment and discharge of nuclear fuel material or other materials contaminated thereby in places of business;
2. Use facility, etc. of nuclear fuel material or other materials contaminated thereby.

(2) The Commission may, when he deems that use, distribution, storage, transport, conservation, treatment or discharge of nuclear fuel material or other materials contaminated thereby in places of business concerned fail to conform to the technical standards as provided in Paragraph (1), order a nuclear fuel material user to repair, renovate or relocate, suspend using the facilities concerned, change safety methods and take necessary measures for safety.

(3) The nuclear fuel material user and his employees shall observe the safety management regulations referred to in Article 45 (2).

Article 51 (Provisions to be Applied Mutatis Mutandis)

The provisions of Articles 15, 19, and 43 shall apply mutatis mutandis to a nuclear fuel material user with respect to the business approval, succession or reporting. In this case, the “installer of nuclear power reactor” or the “nuclear fuel cycle enterpriser” shall be deemed the “nuclear fuel material user”.

Article 52 (Notification of Use of Nuclear Source Material)

(1) Any person, who intends to use nuclear source material, except any case

falling under each of the following Subparagraphs, shall file a notification to the Commission as prescribed by the Presidential Decree. The same shall apply to the case where he intends to change the notified matters:

1. A nuclear source material is used by a power generation/research reactor installer/ operator or a nuclear fuel cycle service operator for the permitted or designated service;
2. Where nuclear source material of such kinds and quantity as prescribed by the Ordinance of the Prime Minister is used.

(2) A person, who has filed a notification pursuant to Paragraph (1) (hereinafter referred to as “nuclear source material user”), shall use nuclear source material according to the technical standards as prescribed by the Regulations of the Commission.

(3) In case that the use of nuclear source material fail to conform to the technical standards as provided in Paragraph (2), the Commission may order the nuclear source material user to take corrective or complementary measures to bring his use of such materials into conformity with such standards.

(4) A nuclear source material user shall record matters concerning the use of nuclear source material as prescribed by the Ordinance of the Prime Minister and keep such records at each site or place of business.

(5) Article 14 shall apply mutatis mutandis to the reasons for disqualification of nuclear source material users. In this connection, “permit under, Article 10 (1) shall not be obtained” in the main sentence of Article 14 shall be deemed as “notification under Article 52 (1) shall not be made.”, “after the permit is revoked pursuant to Article 17” under Subparagraph 3 of the same Article shall be deemed as “after the use is prohibited pursuant to Article 52 (6),” whereas “among officers” under Subparagraph 4 of the same Article shall be deemed as “representative”.

(6) The Commission may prohibit use within one year or less when a nuclear source material user falls under any of the following:

1. Notification is made using false or other illegal means;
2. A user alters or modifies a notified matter without making a revised notification pursuant to the latter half of Paragraph (1);
3. The user falls under subparagraphs 1, 2 and 4 of Article 14 which is applied under Paragraph (5) mutatis mutandis; Provided, however, that this shall not apply to cases wherein the representative of a corporation falling under one of such causes is replaced within three months;
4. The user has violated an order under Paragraph (3), Article 92 (2) or Article 98 (1) and (3);
5. The user has violated Article 106 (1).

(7) In receipt of a report under the paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(8) Where it is necessary to order prohibition of use under paragraph (6), the provisions of Article 48 (2) through (4) shall apply mutatis mutandis.

(9) For purposes of paragraph (7), “suspension of operation” shall read as “prohibition of use”.

Chapter V Radioisotope and Radiation Generating Device

Article 53 (Permit, etc. for Use, etc. of Radioisotope and Radiation Generating Device)

(1) A person who intends to produce, sell, use(including the possessing and handling; hereinafter the same shall apply) or make a mobile-use of radioisotope or radiation generating device(hereinafter referred to as “radioisotope, etc.”), shall obtain permit from the Commission as prescribed by the Presidential Decree. The same shall also apply to the case where he wishes to change any permitted matters. Provided, that if he intends to change minor matters such as temporary change of place of use as prescribed by the Ordinance of the Prime Minister, he shall file a report thereon.

(2) Notwithstanding the provisions of Paragraph (1), a person who intends to use or make a mobile-use of sealed radioisotope, the purpose of use or the quantity of which is smaller than what is prescribed by the Ordinance of the Prime Minister or a radiation generating device, the purpose of use or the capacity of which is smaller than what is prescribed by the Ordinance of the Prime Minister, shall file a notification to the Commission as prescribed by the Presidential Decree. The same shall apply to the case where he intends to change the notified matters.

(3) Any person who intends to obtain permit under Paragraph (1) shall file application for permit, attached with safety analysis report, quality assurance program, radiation safety report and safety control regulation and other documents prescribed by the Ordinance of the Prime Minister, to the Commission and any person who intends to file a notification under Paragraph (2) shall file such notification, attached with documents prescribed by the Ordinance of the Prime Minister, with the Commission. Provided, that the submission of the safety analysis report and the quality assurance program shall be limited to any person who intends to obtain permit for production.

(4) In receipt of a report under the proviso to paragraph (1) or paragraph (2), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(5) The provisions of Article 14 shall apply mutatis mutandis to any person who has been granted permit under Paragraph (1)(hereinafter referred to as

Nuclear Safety Laws of the Republic of Korea

“permitted user”) and any person who has filed a notification under Paragraph (2)(hereinafter referred to as “notified user”). In this case, phrase “the permit of Article 10 (1) shall not be granted” in the main sentence of Article 14 shall be deemed as “no permit or notification of Article 53 (1) or (2) shall be allowed”; phrase “after the permit was cancelled under Article 17” in Subparagraph 3 of the same Article shall be deemed as “after the permit was cancelled or the use is prohibited under Article 57”; and “among officers” in Subparagraph 4 of the same Article shall be deemed as “representative”, respectively.

Article 53-2 (Pre-Review of Large Accelerator License)

- (1) A person who intends to obtain permission to use a radiation generating devices of the type or capacity prescribed by Presidential Decree (hereinafter referred to as "large accelerator") pursuant to the first sentence of Article 53 (1) shall apply for a pre-review to the Commission on whether the large accelerator meets the standards for permit prescribed by the Prime Minister's Decree.
- (2) When the Commission receives an application for a pre-review under paragraph (1), it shall examine whether it conforms to the standards for permit and notify the applicant of the results in writing.
- (3) When the Commission decides whether to permit the use of large accelerator pursuant to the first sentence of Article 53 (1), it shall consider the results of the pre-review notified pursuant to paragraph (2).
- (4) In addition to what is prescribed in paragraphs (1) through (3), detailed matters necessary for the subject, scope, procedures, methods, etc. of pre-review under paragraph (1) shall be prescribed by the Prime Minister's Decree.

Article 53-3 (Radiation Safety Officer)

- (1) All permitted or notified users shall appoint a radiation safety officer to perform the services listed below concerning the safety management of radiation as set forth under the Presidential Decree and report such to the Commission before commencing the use of radioactive isotopes, etc. This shall also apply to cases wherein any declared information is to be modified:
 1. Inspection of compliance with the safety control regulation under Article 53 (3) and technical standards under Article 59 (1);
 2. Measure to Prevent Radiation Damage taken under Article 91 for those who engage in radiation work or access radiation control zones;
 3. Recommendation of actions concerning radiation safety management for permitted or notified users;

4. Other measures required to control radiation safety.

(2) The Commission may order the permitted or notified user to dismiss a radiation safety officer when he/she neglects the services under Paragraph (1).

(3) The permitted or notified user shall, if there is no reasonable dismiss the relevant radiation safety officer and shall appoint a new one without delay when ordered to dismiss the former pursuant to Paragraph (2) and shall also report the dismissal or appointment to the Commission within 30 days of the date of dismissal.

(4) The permitted or notified user shall not appoint as a radiation safety officer anyone who was dismissed pursuant to Paragraph (3) within a year.

(5) The permitted or notified user and those who engage in radiation work or access radiation-controlled areas shall follow the actions or recommendations by the radiation safety officer concerning radiation safety management.

(6) A permitted user or reported user who has appointed a radiation safety officer pursuant to paragraph (1) shall, in case of falling under any of the following, designate a substitute in accordance with the matters prescribed by Presidential Decree:

1. The radiation safety officer cannot temporarily perform his/her duties due to travel, illness or any other reasons;

2. Another radiation safety officer has not been appointed at the time of dismissal or resignation of the radiation safety officer.

(7) The necessary matters such as the qualification criteria of radiation safety officers and substitutes thereof and the substitution period shall be prescribed by Presidential Decree.

(8) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 54 (Registration of Business Agent)

(1) Any person who intends to run the business falling under each of the following Subparagraphs on behalf of any permitted user and notified user shall register his business with the Commission:

1. Removal of radioactive contamination;

2. Collection, treatment and transport of radioisotope, etc. and radioactive waste;

3. Preparing radiation safety report and safety control regulation;

4. Supervising the installment of use facilities, etc.;

5. Radiation safety control;

6. Other business related to the safety control of radiation and the prevention of radiation hazard, which is prescribed by the Ordinance of the Prime Minister.

(2) Any person who has registered his business under Paragraph (1) (hereinafter

referred to as “business agent”) shall, when he intends to change the registered matters, file a report thereon with the Commission.

(3) Any person who intends to register his business under Paragraph (1) shall file an application therefor, appended by business agency regulation and other documents prescribed by the Ordinance of the Prime Minister, with the Commission.

(4) In receipt of a report under the paragraph (2), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(5) The provisions of Article 14 shall apply mutatis mutandis to the case of Paragraph (1). In this case, phrase “the permit of Article 10 (1) shall not be granted” in the main sentence of Article 14 shall be deemed as “no registration of Article 54 (1) shall be allowed”; phrase “after the permit was cancelled under Article 17” in Subparagraph 3 of the same Article shall be deemed as “after the registration was cancelled under Article 57”; and “among officers” in Subparagraph 4 of the same Article shall be deemed as “representative”, respectively.

Article 55 (Standards for Permit, etc.)

(1) The standards for permit referred to in Article 53 (1) shall be as follows:

1. Location, structure and equipment of production facility and use facility, etc. shall conform to the technical standards prescribed by the Regulations of the Commission;
2. Radiation exposure caused by radioisotope, material contaminated by such radioisotope or a radiation generating device shall not exceed the dose limit prescribed by the Presidential Decree.
3. The performance of radioisotope to be produced and the contents of quality assurance program shall be in conformity with the standards prescribed and published by the Commission;
4. Equipment and manpower as prescribed by the Presidential Decree shall be secured.

(2) The standards required for the registration as prescribed in Article 54 (1) shall be as follows:

1. It is required to secure the technical capability necessary to perform the agency business; as provided for in the Ordinance of the Prime Minister;
2. It is required to secure the equipment and manpower prescribed by the Presidential Decree;
3. It is required to make the scope of business agency and business agency regulation in conformity with the standards set by the Ordinance of the Prime Minister.

Article 56 (Inspection)

(1) The permitted user and business agent shall undergo inspections of the Commission as prescribed by the Presidential Decree with respect to production, sale, use, mobile-use or agency business of radioisotope, etc. Provided, that the same shall not apply to the case where such inspections are exempted as prescribed by the Presidential Decree.

(2) If it has turned out, as a result of the inspection as referred to in Paragraph (1) that the permitted user or the business agent falls under any of the following Subparagraphs, the Commission may order him to take corrective or complementary measures:

1. Where he has failed to meet the standards for the permit as provided in Article 55 (1) or the standards for the registration as provided in Article 55 (2);
2. Where he has violated the safety control regulation as prescribed in Article 53 (3) or the agency business regulation as prescribed in Article 54 (3).

Article 57 (Revocation, etc. of Permit for Production, Sale, Use or Mobile-Use, etc.)

(1) If the permitted user, the notified user or the business agent falls under any of the following Subparagraphs, the Commission may revoke the permit or registration, or may order the suspension of business or the prohibition of use (limited to the notified user) for a fixed period not exceeding one year. Provided, however, that the permit or designation shall be revoked when the person falls under either paragraph 1 or 4:

1. Where he has obtained permit, filed a notification or registered his business by fraud or by any other illegitimate means;
2. Where he has failed to commence the permitted business within the period as prescribed by the Presidential Decree or has suspended the business continuously for not less than one year without justifiable reasons;
3. Where he has changed any permitted matters, notified matters or registered matters without obtaining amendment of license, filing a notification on change under the provisions of the latter part Article 53 (1), (2) or Article 54 (2);
4. Where he falls under any of Subparagraphs 1, 2 and 4 of Article 14 which apply mutatis mutandis under Articles 53 (4) and 54 (4). Provided, that the same shall not apply to the case where the representative of a corporation who falls under such case is replaced within three months from the date he is found to fall under such case;
5. Where he has failed to meet the standards for permit or registration as provided for in Article 55;

Nuclear Safety Laws of the Republic of Korea

6. Where he has violated an order or a report under the provisions of Article 56 (2), 59 (2), 92 (2) or 98 (1) and (3);
 7. Where he has violated the provisions of Article 59 (3), 70, 94, 96 or 106 (1);
 8. Where he has violated the conditions for permit as provided for in Article 99.
- (2) When suspending a service or prohibiting use as set forth under Paragraph (1), the Commission may instead impose a penalty surcharge of 500 million won or less.
 - (3) The Presidential Decree shall determine the criteria for suspending a service or prohibiting use under Paragraph (1) or the criteria for imposing a Penalty surcharge under Paragraph (2).
 - (4) When the person who is supposed to pay the penalty surcharge under Paragraph (2) fails to do so within the given period, the Commission shall collect it pursuant to the procedures applicable to the disposition of national taxes in default or shall suspend service or prohibit use as set forth under Paragraph (1) after revoking the imposed penalty surcharge under Paragraph (2).

Article 58 (Records and Keeping)

The permitted user, the notified user and the business agent shall record matters concerning production, use, mobile-use, distribution, storage, transport, conservation, treatment, discharge, sales, or agency business, etc., of radioisotope, etc. as prescribed by the Ordinance of the Prime Minister and shall keep such recorded matters at each site or business place.

Article 59 (Obligation, etc. to Observe Standards)

- (1) The permitted user or the notified user shall observe the technical standards on each of the following Subparagraphs, as prescribed by the Regulations of the Commission:
 1. Location, structure and equipment of production facility and use facility, etc. of radioisotope or other materials contaminated by radioisotope or radiation generating device;
 2. Production, use, distribution, storage, transport, conservation, treatment and discharge of radioisotope or materials contaminated by radioisotope or radiation generating device at a business place;
 3. Mobile-use and sales of radioisotopes, etc.
- (2) The Commission may order the permitted user and the notified user to repair, renovate, relocate or suspend using the facility concerned, change the methods of handling such facility and take other necessary safety measures, when the location, structure and equipment of production facility or use

facility, etc. of radioisotope or other materials contaminated by radioisotope or radiation generating device, or production, use, distribution, storage, transport, conservation, treatment, and discharge of them at a business place, and mobile-use or sales of radioisotope, etc. are deemed to fail to conform to the technical standards referred to in Paragraph (1).

(3) The permitted user and his employees shall observe the safety control regulation as provided in Article 53 (3), and the business agent and his employees shall observe the business agency regulation as prescribed in Article 54 (3).

Article 59-2 (Owner's duty for safety actions)

(1) When any radioactive isotope, etc., is mobile-used for radiographic testing pursuant to Article 53, the person who has requested for the radiographic testing (hereinafter referred to as "owner") shall provide a safe work environment as set forth under the Regulations of the Commission to prevent those radiation workers using the portable radioactive isotope, etc., from being exposed to excessive radiation.

(2) The Commission may order the owner to install or supplement the following safety equipment:

1. Dedicated workplace suitable for measures for preventing radiation hazards pursuant to Article 91;
2. Shielding facility or barriers for protection against radiation.

(3) When any of the following events causes a threat to the safety of radiation workers, the Commission may direct suspension of the radiographic testing, as prescribed by the Rules of the Commission:

1. Where the client fails to provide safe working environment pursuant to paragraph (1);
2. Where the client fails to carry out any order issued by the Commission for installation or supplementation of safety installations under paragraph (2).

(4) Radiographic testing shall not be conducted in a workplace where work is suspended pursuant to Paragraph (3);

(5) The Presidential Decree shall set forth the necessary items, procedures, methods, or other matters required for the owner or permitted or notified user to resume the work that has been suspended pursuant to Paragraph (3).

(6) The owner shall report to the Commission the actual daily workload of radiation workers to secure safe work conditions. In this connection, the Regulations of the Commission shall provide the details to report, reporting method, procedure, and other necessary matters.

(7) The owner shall follow when a radiation safety officer requests the owner for the necessary actions or assistance to perform safe radiographic testing when such is conducted mobile-using radioactive isotope, etc.

(8) The Regulations of the Commission shall set forth detailed standards for safety equipment or other necessary matters under Paragraph (2).

Article 60 (Approval, etc. of Design of Radiation Generating Device, etc.)

(1) Any person intending to manufacture radiation generating devices or equipment containing radioisotopes(hereinafter referred to as “radiation equipment”) or to import the radiation equipment manufactured in a foreign country shall obtain approval from the Commission therefor, as prescribed by Presidential Decree. The same shall also apply to any proposed modifications thereof.

(2) Notwithstanding paragraph (1), radiation equipment may be manufactured or imported without the approval of the Commission if any of the following applies:

1. In case of manufacturing or importing an identical type of radiation equipment as one that has been approved of pursuant to paragraph (1);
2. In case it is for developing a prototype for testing purposes or for academic research of a non-profit organization and such conforms to the standards determined and publicly announced by the Commission;
3. In case of manufacturing the radiation equipment exclusively for export and such conforms to the standards determined and publicly announced by the Commission;
4. Other cases prescribed by Presidential Decree.

(3) A person intending to obtain approval pursuant to paragraph (1) shall submit to the Commission the design materials, safety assessment materials, and a quality assurance plan(applicable only in cases in which radiation equipment is to be manufactured) for the radiation equipment with the documents prescribed by Ordinance of the Prime Minister attached thereto.

(4) The standards for design approval for each type of radiation equipment referred to in paragraph 1 shall be prescribed by Presidential Decree.

(5) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 61 (Inspection)

(1) Any person who has obtained approval pursuant to Article 60 (1) shall have the manufactured or imported radiation equipment inspected by the Commission according to the radiation equipment type as prescribed by Presidential Decree: Provided, That the same shall not apply in any of the following cases:

1. The type of radiation equipment to be manufactured or imported is identical to the type that has passed the inspection;
2. The radiation equipment to be imported conforms to the standards determined

and publicly announced by the Commission as the approval procedure of the country of manufacture has been completed.

(2) The matters necessary for the standards of inspection referred to in paragraph (1) shall be determined and publicly announced by the Commission.

(3) All permitted users and reported users shall use radiation equipment that falls under at least one of the following: <Amended, 2017. 12. 19.>

1. Radiation equipment that has passed the inspection referred to in the main sentence of paragraph (1) or that has been exempted from the inspection in accordance with the proviso to paragraph (1);
2. Radiation equipment that has been exempted from design approval in accordance with Article 60 (2).

Article 62 (Provisions to be Applied Mutatis Mutandis)

The provisions of Articles 19 and 43 shall apply mutatis mutandis to the permitted user, notified user and business agent with respect to the business succession or reporting. In this case, the “installer of nuclear power reactor”, or the “nuclear fuel cycle enterpriser” shall be deemed the “permitted user, the notified user and the business agent”.

Chapter VI Disposal and Transport

Article 63 (Permit for Construction and Operation of radioactive waste management facilities, etc.)

(1) Any person, who intends to construct and operate a storage, processing and disposal facility of radioactive wastes and accessory facility(hereinafter referred to as “radioactive waste management facilities, etc.”) shall obtain permit of the Commission under the conditions as prescribed by the Presidential Decree. The same shall also apply in a case where he wishes to change any permitted matters. Provided, that if he wishes to change any minor matters as prescribed by the Ordinance of the Prime Minister, he shall report it.

(2) Any person who intends to obtain permit under the provisions of Paragraph (1) shall file to the Commission application for such permit, attached with radiological environmental impact assessment report, safety analysis report, safety management regulations, statement explaining design and methods of construction work, quality assurance program concerning construction and operation, and other documents prescribed by the Ordinance of the Prime Minister.

(3) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(4) The provisions of Article 14 shall apply mutatis mutandis to the provisions of Paragraph (1) with respect to the disqualification. In this case, “Article 17” in Subparagraph 3 of Article 14 shall be deemed “Article 66”.

Article 64 (Standards for Permit)

(1) Standards for permit referred to in Article 63 (1) shall be as follows:

1. Technical capability necessary for the construction and operation of radioactive waste management facilities, etc. as provided for in the Ordinance of the Prime Minister, shall be available;
2. Location, structure, equipment, and performance of radioactive waste management facilities, etc. shall conform to such standards as prescribed by the Regulations of the Commission, in such a way that they may not be any impediment to the prevention of hazards to human body, material and the general public caused by radioactive material, etc.;
3. Construction and operation of radioactive waste management facilities, etc. shall conform to the standards as prescribed by the Presidential Decree in order to prevent any harm to public health and the environment caused by radioactive material, etc.;
4. It is required to secure the equipment and manpower prescribed by the Presidential Decree;
- 4-2. The contents of the quality assurance plan for construction and operation under Article 63 (2) shall conform to the standards as prescribed by the Regulations of the Commission;
5. The post-closure management plan for all or a part of radioactive waste disposal facilities shall comply with the management standards prescribed by the Regulations of the Commission to secure the safety of the radioactive waste disposal facilities during the period prescribed by the Presidential Decree, not exceeding 300 years.

(2) In the case of permanent shutdown of the radioactive waste storage and treatment facilities, and its supplementary or accessory facilities (hereinafter referred to as “the radioactive waste storage facilities, etc.”), or completion of radioactive waste disposal activities (hereinafter referred to as “the disposal activities, etc.”) of part or all of the radioactive waste disposal facilities, and its supplementary or accessory facilities (hereinafter referred to as “radioactive waste disposal facilities, etc.”), a amendment of permit shall be obtained pursuant to Article 63 (1). In such case, some of the standards for permits provided for in the subparagraphs of paragraph (1) can be waived in any of the following circumstances:

1. Where the radioactive waste storage facilities, etc. are permanently suspended or the disposal activities of radioactive waste disposal facilities, etc. are completed, making it impracticable to fully apply the criteria for the permit or license provided for in paragraph (1), without modification;
2. Where safety is not compromised even if the criteria for the permit or license provided for in paragraph (1) are not observed based upon the purpose of the permanent shutdown the radioactive waste storage facilities, etc. or the completion of disposal activities of radioactive waste disposal facilities, etc.

Article 65 (Inspection)

(1) Those who have obtained a permit for the construction and operation of facilities for the management of radioactive wastes pursuant to Article 63 (1)(hereinafter referred to as “installer/operator of radioactive waste management facilities, etc.”) shall have all matters related to the construction and operation of radioactive waste management facilities, etc. the storage, treatment or disposal of radioactive wastes, and the matters on nuclear material control and accountancy inspected by the Commission as provided under the Presidential Decree.

(2) The Commission may, when the installer/operator of radioactive waste management facilities, etc. falls under any case of the following Subparagraphs as a result of the inspection under Paragraph (1), order him to take corrective or supplementary measures:

1. Where he has fail to satisfy the standards for permit under the provisions of Article 64, or measure taken under the provisions of Article 68 (1) is insufficient;
2. Where he has violated the matters prescribed in the documents attached to an application for permit under the provisions of Article 63 (2) and violated the regulation on nuclear material accounting and control under the provisions of Article 15 applicable mutatis mutandis under the provisions of Article 69.

Article 65-2 (Periodic Safety Reviews)

(1) Every installer/operator of radioactive waste management facilities, etc. shall periodically review the safety of the radioactive waste management facilities, etc., as prescribed by Presidential Decree, and submit the findings thereof to the Commission: Provided, That matters necessary for the radioactive waste management facilities, etc. permanently suspended or the disposal activities are completed upon obtaining a permit for any alteration of any term or condition of existing permit or license pursuant to Article 64 (2) shall be

Nuclear Safety Laws of the Republic of Korea

prescribed by Presidential Decree.

(2) When the results of the periodic safety review conducted under paragraph (1) or subsequent safety measures are deemed insufficient, the Commission may order the installer/operator of radioactive waste management facilities, etc. to correct or supplement such defects.

(3) Matters regarding a method/content, etc. of conducting periodic safety reviews under paragraph (1) shall be prescribed by Presidential Decree.

Article 66 (Revocation, etc. of Permit for Construction and Operation of radioactive waste management facilities, etc.)

(1) The Commission may, when the installer/operator of radioactive waste management facilities, etc. falls under any case of the following Subparagraphs, revoke the permit or may order the suspension of his construction work or operation for a fixed period of not more than one year. Provided, however, that the permit shall be revoked when the person falls under either Subparagraph 1 or 4:

1. Where he has obtained the permit by fraud or by any other illegitimate means;
2. Where he has failed to commence the construction work or operation for which the permit was granted within the period as prescribed by the Presidential Decree, or has suspended the construction work or operation continuously for not less than one year;
3. Where he has changed any matters subject to the permit under the provisions of the latter part of Article 63 (1) without obtaining the permit of change;
4. Where he falls under any of Subparagraphs 1, 2 and 4 of Article 14 as applied *mutatis mutandis* under Article 63 (3). Provided, that if an executive officer of a corporation falls under such case and he is replaced within three months, this shall not apply;
5. Where he has failed to meet the standards for the permit as provided in Article 64;
6. Where he has violated the provisions of Article 15 (1) applicable *mutatis mutandis* under Article 69;
7. Where he has violated orders given under Articles 65 (2), 65-2 (2), 68-2 (2), 92 (2) or 98 (1) and (3);
8. Where he has violated Articles 68 (1) · (2), 70, 89 (5), 94, 96 or 106 (1);
9. Where he has violated the conditions for the permit as provided in Article 99.

(2) The provisions of Article 17 (2) through (4) shall apply *mutatis mutandis* to the construction work or suspension of the operation as provided in Paragraph (1). In this connection, “construction work” shall read as “construction work or operation”.

Article 67 (Records and Keeping)

The installer/operator of radioactive waste management facilities, etc. shall record matters concerning the storage, processing or disposal of radioactive waste and keep such records at disposal facility, etc. as prescribed by the Ordinance of the Prime Minister.

Article 68 (Operational Safety Measures, etc.)

(1) Every installer/operator of radioactive waste management facilities, etc. shall take the following measures in the course of operating the radioactive waste management facilities, etc., to ensure safety of persons involved in the management of wastes, physical materials, and the general public, as prescribed by the Rules of the Commission. Provided, That the same shall not apply where the Commission deems that it is difficult to apply such measures as are stipulated in the Rules to the radioactive waste management facilities, etc. due to the intended function of the facilities or differences in design, or that no problem will be caused from the perspective of technical safety even if such measures are not applied:

1. Measures regarding radiation dose, etc.;
2. Measures regarding safe management of radioactive wastes;
3. Measures regarding self-Inspection of the radioactive waste management facilities, etc.;
4. Measures regarding safe operations of the radioactive waste management facilities, etc.;
5. Other measures regarding the safety of the radioactive waste management facilities, etc. prescribed by Presidential Decree.

(2) Every installer/operator of radioactive waste management facilities, etc. and his/her employees shall observe the safety management regulations pursuant to Article 63 (2).

(3) Every installer/operator of radioactive waste management facilities, etc. with a permit for the amendment to existing permit or license regarding the permanent shutdown or completion of disposal activities pursuant to Article 64 (2) may be partially exempt from paragraphs (1) or (2), if the Commission deems that any of the following applies:

1. Where the radioactive waste management facilities, etc. are permanently suspended or the disposal activities are completed, making it impracticable to fully apply the criteria for permits or licenses provided for in paragraph (1) or (2), without modification;
2. In light of the purpose of the permanent shutdown of the radioactive waste management facilities, etc., or the completion of the disposal activities, where safety is not compromised from the perspective of technical safety even if the criteria for a permit or license provided for in paragraph (1) or (2) are not observed.

Article 68-2 (Measures such as Suspension of Use of the Radioactive Waste Management Facilities, etc.)

When the performance of the radioactive waste management facilities, etc. are deemed to be not in conformity with technical criteria as referred to in subparagraph 2 of paragraph 1 of Article 21, or where measures taken pursuant to Article 68 (1) are deemed insufficient, the Commission may order the suspension of use, renovation, repair, transfer or removal of contamination of the radioactive waste management facilities, etc., choose a method of operations of the facilities, change the safety management regulations under Article 63 (2), or take other necessary measures for safety.

Article 68-3 (Decommissioning of the Radioactive Waste Storage Facilities, etc.)

(1) Every person who has obtained a permit to construct or operate the radioactive waste storage facilities, etc. (hereinafter referred to as “the installer/operator of the radioactive waste storage facilities, etc.”) shall obtain approval from the Commission, as prescribed by Presidential Decree in the case of decommissioning the radioactive waste storage facilities, etc. after obtaining the amendment of permit of the permanent shutdown under Article 64 (2) for the radioactive waste storage facilities, etc. The same shall also apply to any alteration of any term or condition of such approval: Provided, That where he/she intends to alter any minor matter prescribed by Ordinance of the Prime Minister, he/she shall report thereon to the Commission.

(2) The installer/operator of the radioactive waste storage facilities, etc. who intends to obtain approval pursuant to paragraph (1) shall file an application for the approval with the Commission, accompanied by a decommissioning plan and a quality assurance plan for decommissioning of the radioactive waste storage facilities, etc., and other documents prescribed by Ordinance of the Prime Minister.

(3) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(4) Articles 28 (3) through (9) shall apply mutatis mutandis to a report/inspection of decommissioning of the radioactive waste storage facilities, etc. In such cases, “the operator of a nuclear power reactor” shall be construed as “the installer/operator of the radioactive storage management facilities, etc.”; “the nuclear power reactor and relevant facilities” shall construed as “the radioactive waste storage facilities, etc.”; and “the operating license” shall construed as “the construction permit/operating license”.

Article 68-4 (The Closure of the Radioactive Waste Disposal Facilities, etc.)

- (1) Every person who has obtained a permit to construct or operate the radioactive waste disposal facilities, etc. (hereinafter referred to as “the installer/operator of the radioactive waste disposal facilities, etc.”) shall obtain approval from the Commission, as prescribed by Presidential Decree in the case of closure the radioactive waste disposal facilities, etc. related to the completion of disposal activities after obtaining the amendment of permit of the completion of disposal activities of the radioactive waste disposal facilities, etc. under Article 64 (2) for the radioactive waste disposal facilities, etc. The same shall also apply to any alteration of any term or condition of such approval: Provided, That where he/she intends to alter any minor matter prescribed by Ordinance of the Prime Minister, he/she shall report thereon to the Commission.
- (2) A installer/operator of the radioactive waste disposal facilities, etc. who intends to obtain approval pursuant to paragraph (1) shall file an application for the approval with the Commission, accompanied by a plan for the shutdown of the radioactive waste disposal facilities, etc., a quality assurance plan related to the shutdown activities, a post-closure management plan and other documents prescribed by Ordinance of the Prime Minister.
- (3) The installer/operator of the radioactive waste disposal facilities, etc. who has obtained approval to shut down the radioactive waste disposal facilities, etc. under paragraph (1) shall undergo an inspection regarding the shutdown of the radioactive waste disposal facilities, etc., conducted by the Commission, as prescribed by Presidential Decree.
- (4) Where the installer/operator of the radioactive waste disposal facilities, etc. fails to manage the shutdown of the radioactive waste disposal facilities, etc. in accordance with the shutdown plan under paragraph (2) as a result of inspections or verifications pursuant to paragraph (3), the Commission may issue an order for correction or supplementation.
- (5) The Commission shall inspect the management of radioactive waste disposal facilities, etc. that have passed the inspections or verifications after the shutdown by the installer/operator of the radioactive waste disposal facilities, etc. under paragraph (3), as prescribed by Presidential Decree. If, as a result of inspections or verifications, it is confirmed that the termination of the post-closure management is appropriate, the Committee shall give written notice to the constructor/operator of the relevant radioactive waste disposal facilities, etc. that his/her construction permit/operating license” has been terminated.
- (6) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 69 (Provisions to be Applied Mutatis Mutandis)

Nuclear Safety Laws of the Republic of Korea

The provisions of Articles 10 (3) through (6), 15, 19 and 43 shall apply mutatis mutandis to the installer/operator of radioactive waste management facilities, etc. In this case “the installer of the nuclear power reactor” or “the nuclear fuel cycle enterpriser” shall be deemed as “the installer/operator of radioactive waste management facilities, etc.”.

Article 70 (Restriction on Disposal of Radioactive Waste)

(1) No person shall be allowed to dispose of radioactive waste in the manner of dumping them into the sea.

(2) No person other than the installer/operator of radioactive waste disposal facilities, etc. shall be allowed to dispose of the kinds and quantity of any radioactive waste prescribed by the Ordinance of the Prime Minister in the manner of burying them shallowly(including burying them in “cave”) or deeply in the ground.

(3) Radioactive waste other than that referred to in Paragraph (2) shall be disposed of in conformity with methods and procedures as prescribed by the Presidential Decree.

(4) Any person who intends to commission the disposal of radioactive waste under Paragraph (2) to the installer/operator of radioactive waste management facilities, etc. shall transfer such radioactive waste in conformity with the delivery standards prescribed by the Ordinance of the Prime Minister.

Article 71 (Report on Transport)

(1) Where the installer of the nuclear power reactor, the operator of the nuclear power reactor, the installer of the nuclear research reactor, operator of the nuclear research reactor, the nuclear fuel cycle enterpriser, the nuclear fuel material user, the nuclear source material user, the permitted user, the notified user, the business agent, or the installer/operator of radioactive waste management facilities, etc.(hereinafter referred to as the “nuclear enterpriser”) intends to transport the kinds and quantities of radioactive material, etc. prescribed by the Ordinance of the Prime Minister out of his business place to another place or to import such radioactive materials into his business place from abroad, he shall file a report thereon to the Commission as prescribed by the Presidential Decree.

(2) Any person, who intends to get any ship or any aircraft laden with radioactive material, etc, the quantity of which is prescribed by the Ordinance of the Prime Minister, to enter any port or any airport of the Republic of Korea or to sail through the territorial waters of the Republic of Korea(limited to any ship), shall file a report thereon with the Commission under the conditions as prescribed by the Presidential Decree. The same shall apply to a case where

he intends to change the reported matters.

(3) In receipt of a report under the proviso to paragraph (1) or paragraph (2), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 72 (Technical Standards concerning Package or Transport)

Any transport of radioactive material, etc. by rail, road, ship or aircraft, or domestic or international mail service shall be made in conformity with the technical standards concerning package or transport prescribed by the Regulations of the Commission.

Article 73 (Exposure Control, etc.)

The nuclear enterpriser shall check whether workers engaged in the transport of radioactive material, etc. are exposed to radiation, and shall conduct the training for safety.

Article 74 (Measures, etc. for Accidents)

(1) A nuclear enterpriser or a person who is entrusted with the transport of radioactive material, etc. by the nuclear enterpriser shall formulate and implement an emergency plan as prescribed by the Ordinance of the Prime Minister in order to prepare for any accident that might arise in the process of transporting or packaging radioactive material, etc.

(2) A nuclear enterpriser or a person who is entrusted with the transport of radioactive material, etc. by the nuclear enterpriser shall take necessary safety measures as prescribed by Presidential Decree in the case of leakage of radioactive material, etc., fire, or other accidents in the process of transporting or packaging radioactive material, etc. and then promptly file a report thereof to the Commission.

Article 75 (Inspection of Package or Transport)

(1) The nuclear enterpriser or a person entrusted by him with the packaging or transport of radioactive material, etc. shall undergo an inspection of the Commission as to whether or not he observes the technical standards under the provisions of Article 72 as prescribed by the Presidential Decree.

(2) The Commission may, when the technical standards under the provisions of Article 72 is found to fall short of being met as a result of the inspection under Paragraph (1), order corrective or supplementary measures.

Article 76 (Approval for Design of Transport Container)

(1) If the nuclear enterpriser intends to manufacture containers for package or transport of radioactive materials, etc.(hereinafter referred to as “transport container”) of the quantity as prescribed by the Ordinance of the Prime Minister or to import the transport containers manufactured in foreign countries, he shall obtain approval therefor from the Commission in accordance with design criteria as prescribed by the Presidential Decree. The same shall apply to a case where he intends to change the approved matters. Provided, that if he seeks to change minor matters prescribed by the Ordinance of the Prime Minister, he shall file a report thereon to the Commission.

(2) Any person, who intends to obtain the approval referred to in Paragraph (1), shall file to the Commission an application for the approval of manufacturing the transport container, attached with design data of the transport container, etc., quality assurance program concerning manufacture, safety analysis report and other documents prescribed by the Ordinance of the Prime Minister.

(3) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 77 (Inspection of Transport Container)

(1) The nuclear enterpriser shall undergo an inspection of the Commission with respect to manufactured or imported transport container and other transport container in use for which approval has been obtained under Article 76 (1) as prescribed by the Presidential Decree. Provided, that the same shall not apply to the case where such inspection is exempted as prescribed by the Presidential Decree.

(2) The nuclear enterpriser shall use the transport container which has passed the inspection under Paragraph (1).

Article 77-2 (Approval for Design of a Spent Nuclear Fuel Storage Container, etc.)

(1) When a nuclear enterpriser applies for design approval for a spent nuclear fuel storage container or a assembly of storage container (hereinafter referred to as “the storage container, etc.”) that can be used for permitted or designated (including all changes, modifications or alterations to existing permit or license by the Commission, or approval for any alteration of any term or condition of existing permit or license; hereafter the same shall apply in this Article) facilities under Article 10 (1), 20 (1), 30 (1), 30 (2), 30-2 (1), 35 (2) or 63 (1), the Commission may approve the application in accordance with criteria

for design prescribed by Presidential Decree. In such cases, if the nuclear energy-related business operator intends to change the design, he/she shall obtain approval from the Commission, as prescribed by Presidential Decree: Provided, That where he/she intends to alter any minor matter prescribed by Ordinance of the Prime Minister, he/she shall report thereon to the Commission.

(2) The nuclear enterpriser who intends to obtain approval under paragraph (1) shall submit an application for approval to the Commission, accompanied by a safety analysis report, a design quality assurance program (including manufacturing-related matters) and other documents prescribed by Ordinance of the Prime Minister.

(3) When an installer or operator of a nuclear power/research reactor, etc., a nuclear fuel cycle facility enterpriser (limited to someone who has been designated under Article 35 (2), or a constructor/operator of the radioactive waste management facilities, etc. (hereinafter referred to as an “installer of a nuclear power reactor, etc.”) intends to obtain approval or be designated under paragraph 1 using the design of the storage container, etc., approved pursuant to paragraph 1, matters related to relevant storage container, etc. among the matters to be entered in the application documents for approval or designation may not be stated.

(4) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 77-3 (Inspections, etc. of a Storage Container, etc.)

(1) When an installer of a nuclear power reactor, etc. intends to manufacture a storage container, etc. using the storage container design approved pursuant to Article 77-2 (1), he/she shall undergo inspections by the Commission, as prescribed by Presidential Decree.

(2) When an installer of a nuclear power reactor, etc. who has undergone inspections for manufacturing a storage container, etc. under paragraph 1 intends to install a storage container, etc., he/she shall use a storage container, etc. that has passed the inspections.

Chapter VII Dosimeter Reading, Etc.

Article 78 (Registration of Dosimeter Reading Service Provider)

(1) A person who intends to render the dosimeter reading service aimed at reading the quantity of radiation exposed to human bodies shall register his

service with the Commission.

(2) A person who has registered his service pursuant to Paragraph (1)(hereinafter referred to as a “dosimeter reading service provider”), where he intends to change the registered matters, shall file a report thereon to the Commission.

(3) A person who seeks to register his service pursuant to Paragraph (1) shall file to the Commission an application for such registration, attached with a quality assurance program concerning dosimeter reading and other documents prescribed by the Ordinance of the Prime Minister.

(4) In receipt of a report under the paragraph (2), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

(5) The provisions of Article 14 shall apply mutatis mutandis to a person who seeks to register his service pursuant to Paragraph (1). In this case, the “permit as prescribed in Article 17 was revoked” in Subparagraph 3 of Article 14 shall be deemed “registration is revoked under the provisions of Article 81” and “any executives” in Subparagraph 4 of the same Article shall be deemed “representative”.

Article 79 (Standards for Registration)

The standards for registration under the provisions of Article 78 (1) shall be as follows:

1. Technical capabilities necessary to install and operate reading facilities, as prescribed by the Ordinance of the Prime Minister; shall be available;
2. The contents of quality assurance program under the provisions of Article 78 (3) shall conform to the standards prescribed by the Regulations of the Commission.

Article 80 (Inspection)

(1) The dosimeter reading service provider shall undergo an inspection of the Commission with respect to his dosimeter reading service as prescribed by the Presidential Decree.

(2) The Commission may, when the dosimeter reading service provider is found to fail to meet the registration standards under the provisions of Article 79 as a result of the inspection referred to in Paragraph (1), order him to take corrective or supplementary measures.

Article 81 (Revocation of Registration for Dosimeter Reading Service Provider)

(1) The Commission may, when the dosimeter reading service provider falls under any case of the following Subparagraphs, revoke his registration or

order the suspension of his service for a fixed period not exceeding one year. Provided, however, that the registration shall be revoked when the service provider falls under either subparagraph 1 or 5:

1. Where he has registered his service by fraud or by other illegitimate means;
 2. Where he has failed to commence his registered service within the period prescribed by the Presidential Decree or has suspended his service continuously for not less than one year without any justifiable reasons;
 3. Where he has changed the registered matters without filing a report thereon under the provisions of Article 78 (2);
 4. Where he has failed to meet the standard for registration under the provisions of Article 79;
 5. Where he falls under any of Subparagraphs 1, 2 and 4 of Article 14 which are applicable mutatis mutandis under Article 78 (4). Provided, that the same shall not apply to the case where the representative of a juridical person falling under such Subparagraphs is replaced within three months after the date he is found to fall under such Subparagraphs;
 6. Where he has violated an order issued under Article 80 (2) or 98 (1) and (3).
- (2) The provisions of Article 57 (2) through (4) shall apply mutatis mutandis to the case where the dosimeter reading service provider is ordered to suspend his service under Paragraph (1).

Article 82 (Recording and Keeping)

The dosimeter reading service provider shall record matters concerning reading facility and reading service as prescribed by the Ordinance of the Prime Minister and keep such records at each factory and each business place.

Article 83 (Provisions to be Applied Mutatis Mutandis)

The provisions of Articles 19 and 43 shall apply mut atis mutandis to the dosimeter reading service provider with respect to the business succession or reporting. In this case, the “installer of the nuclear power reactor” or the “nuclear fuel cycle enterpriser” shall be deemed the “dosimeter reading service provider”.

Chapter VIII License and Examination

Article 84 (License, etc.)

- (1) Any person other than a person who has obtained a license from the Commission

Nuclear Safety Laws of the Republic of Korea

as prescribed by the Presidential Decree, or other than a professional engineer of radiation control under the National Technical Qualifications Act shall be prohibited from operating a nuclear reactor and handling nuclear fuel material as well as radioisotope, etc.. Provided, however, that the same shall not apply to the case a person who has undergone education and training under the provisions of Article 106 (1) handles nuclear fuel material and radioactive isotopes under the direction and supervision of a person who has obtained a license under Subparagraph of Paragraph (2) 3 through 7 or a professional engineer for radiation control under the National Technical Qualifications Act.

(2) The license under Paragraph (1) shall be classified as follows:

1. A license for the supervisor of nuclear reactor operation;
2. A license for the operator of nuclear reactor;
3. A license for the supervisor of nuclear fuel material handling;
4. A license for the nuclear fuel material handling;
5. A general license for the radioisotope handling;
6. A special license for the radioisotope handling;
7. A license for the supervisor of radiation handling.

Article 85 (Disqualifications)

Any person falling under each of the following Subparagraphs shall not be granted a license referred to in Article 84:

1. A person who is under eighteen years of age;
2. A person under adult guardianship;
3. A person who has been sentenced to punishment severer than imprisonment with labor and for whom three years have not elapsed after the execution of sentence is completed or the non-execution of sentence is finally decided, or who has been granted a stay of execution and is still under such stay of execution;
4. A person for whom two years have not elapsed since the license was revoked under Article 86;
5. Anyone for whom five years has not yet lapsed after the execution of punishment has ended or after the cancellation of the execution was finally determined after a person who is engaged in the construction, remodeling, or repair of nuclear reactors or related facilities or delivery or inspection of supplies or parts of nuclear reactors or related facilities was sentenced to imprisonment with labor or heavier punishment for committing a crime under Article 129, 130, 132 and 133 of the Criminal Act.

Article 86 (Revocation of License, etc.)

(1) The Commission may, when a person who has obtained a license under the

provisions of Article 84 falls under any case of the following Subparagraphs, revoke his license or suspend his license for a fixed period of not more than three years. Provided, however, that where he falls under Subparagraph 1 or 2, his license shall be revoked:

1. Where he has obtained a license by fraud or other illegitimate means;
 2. Where he falls under Subparagraphs 1 through 3 and 5 of Article 85;
 3. Where he has violated the provisions of Article 88 (2);
 4. Where he has violated the provisions of Article 106 (2).
- (2) The standards for revoking or suspending the license under the provisions of Paragraph (1) shall be prescribed by the Ordinance of the Prime Minister.

Article 87 (Examination for License)

- (1) A person who wishes to obtain a license as referred to in Article 84 shall pass the examination for license conducted by the Commission.
- (2) The Commission may exempt – from all or part of the license examination under Paragraph (1) as set forth under the Presidential Decree – anyone who has obtained a license falling under any item of Article 84 (2) or who has obtained an equivalent license in a foreign country but who intends to obtain the license under Paragraph (1) of the same Article.
- (3) If a person who applies for the examination for license as referred to in Paragraph (1) has cheated in the examination, the relevant examination shall be null and void for him, and he shall be disqualified for the license examination for three years after the date of application for such examination.
- (4) Qualifications for application, subjects and methods of the examination for license as referred to in Paragraph (1), and other necessary matters shall be prescribed by the Presidential Decree.

Article 88 (License)

- (1) The Commission shall issue a license to a person who has passed the examination for license under the provisions of Article 87 as prescribed by the Ordinance of the Prime Minister.
- (2) Any person who has obtained a license under Paragraph (1) shall be prohibited from lending or illegally using his license.

Chapter IX Regulation and Supervision

Article 89 (Establishment of Exclusion Area)

Nuclear Safety Laws of the Republic of Korea

(1) When the State installs a reactor and related facilities, nuclear fuel cycle facility, radioactive waste management facilities, etc., it may establish a specific range of an exclusion area for the purpose of protecting human body, material and the general public against radiation damage.

(2) In an exclusion area as referred to in Paragraph (1), the restriction of access or residence of the general public may be ordered.

(3) Necessary matters concerning the scope of the exclusion area as referred to in Paragraph (1), and the restriction of access or residence of the general public under Paragraph (2) shall be prescribed by the Presidential Decree.

(4) Any loss caused by the restriction under Paragraph (2) shall be properly compensated. In this case, matters necessary for the payment of compensation shall be prescribed by the Presidential Decree.

(5) A person other than the State, who wishes to install and operate the nuclear reactor and related facilities, nuclear fuel cycle facility, radioactive waste management facilities, etc., shall secure a specified range of site under the conditions as prescribed by the Presidential Decree, and set up an exclusion area as referred to in Paragraph (1) to the extent of such range, and shall restrict access or residence of the general public in such exclusion area.

Article 90 (Restriction on Installation of Dangerous Facility)

(1) When the head of an administrative agency intends to permit, authorize or approve installation of any facility which is harmful to nuclear reactor and related facilities, nuclear fuel cycle facility, or radioactive waste management facilities, etc. under construction or in operation with permit obtained under the provisions of Article 10, 20, 35, or 63 within the limit of what is prescribed by the Presidential Decree from a plot of such facilities, he shall consult with the Commission.

(2) Facility whose installation is subject to consultations between the head of an administrative agency and the Commission under Paragraph (1) shall be prescribed by the Presidential Decree.

Article 91 (Measure to Prevent Radiation Damage)

(1) The nuclear enterpriser shall take measures falling under each of the following Subparagraphs to prevent radiation damage in accordance with the Presidential Decree:

1. Measurement of radiation dose and radioactive contamination;
2. Medical checkup;
3. Control of exposure;
4. Measures necessary to maintain the quantity of emissions of radioactive material and the quantity of radiation exposure as low as reasonably achievable.

(2) The nuclear enterpriser shall take measures necessary to keep the radiation dose exposed to workers and other persons with frequent access prescribed by the Presidential Decree under the dose limit prescribed by the Presidential Decree.

(3) The nuclear enterpriser shall take necessary measures for health such as restrictions on access to nuclear power utilization facility, for any person suffering from radiation damage or suspected to suffer from such radiation damage.

Article 92 (Measure to Prevent Radiation Damage and Report thereon)

(1) In the case falling under any of the following Subparagraphs, the nuclear enterpriser shall take safety measure as prescribed by the Presidential Decree, and file a report thereon without delay to the Commission:

1. Where danger occurs or may occur in nuclear power utilization facility or radioactive material, etc. due to earthquake, fire or other disasters;
2. Where failure occurs in nuclear power utilization facility;
3. Where radiation damage occurs.

(2) If the Commission has received a report as referred to in Paragraph (1), he may order the nuclear enterpriser to suspend use of nuclear power utilization facility, to transfer radioactive material, to decontaminate or to take other measures necessary for the prevention of radiation damage.

(3) In accordance with Article 21 (1) 3, Article 36 (1) 3, Article 46 (3), and Article 64 (1) 3, a nuclear energy-related business operator shall report to the Commission without delay if it finds a matter that does not conform to the standards prescribed by Presidential Decree to prevent harm to public health and the environment.

(4) In accordance with paragraph (1), matters concerning matters and procedures that a nuclear energy-related business operator must report to the Commission shall be determined and announced by the Commission.

Article 92-2 (Periodic renewal of decommissioning plans)

The operators of nuclear power reactors or research reactors, or of nuclear fuel cycle services shall periodically renew and report their decommissioning plans of the said facilities to the Commission as provided under the Ordinance of the Prime Minister.

Article 93 (Expropriation and Transfer of Nuclear Fuel Material, etc.)

(1) The Government may, under the conditions separately prescribed by the law, expropriate the right for the relevant nuclear material or radioisotope, etc.

Nuclear Safety Laws of the Republic of Korea

from the manufacturer, possessor or manager of nuclear material or radioisotope, etc. or may order them to transfer the right to a person designated by the Commission.

(2) Where the right has been expropriated or transferred under Paragraph (1), the Government shall make proper compensation therefor.

Article 94 (Restrictions on Possession, Transfer and Takeover of Radioactive Material, etc. or Radiation Generating Device)

Except the case falling under any of the following Subparagraphs, any possession, transfer and takeover of radioactive material, etc. or radiation generating device shall be prohibited. Provided, that the same shall not apply to the case where the State transfers or acquires nuclear material or where such nuclear material is acquired from the State under an international commitment:

1. Where the nuclear enterpriser acquires or possesses radioactive material, etc. or radiation generating device within the limits of what is permitted, designated or reported, and transfers such materials or device to other nuclear enterpriser under the provisions of this Act;
2. Where the nuclear enterpriser possesses or transfers radioactive material, etc. or radiation generating device in his possession to other nuclear enterpriser as prescribed by the Ordinance of the Prime Minister at the time when his permit or designation is revoked or his use is prohibited under the provisions of Articles 17, 24, 32, 38, 48, 57 and 66;
3. Where the nuclear enterpriser transfers radioactive material, etc. or radiation generating device in his possession to other nuclear enterprisers as prescribed by the Ordinance of the Prime Minister at the time when he discontinues his business or operation;
4. Where a person, who has been entrusted with transport of radioactive materials, etc. or radiation generating device by the nuclear enterpriser, is in possession of such radioactive materials, etc. or radiation generating device;
5. Where an employee of the nuclear enterpriser is in possession of radioactive materials, etc. or radiation generating device for the performance of his duty;
6. Where an inheritor of the nuclear enterpriser is in possession of radioactive material, etc. or radiation generating device upon the death of the latter. Provided, however, that the same shall not apply to the case where the relevant inheritor falls under any of Subparagraphs 1 through 3 of Article 14.

Article 95 (Measures following Revocation of Permit, etc. or Discontinuation, etc. of Business)

(1) The nuclear enterpriser, whose permit or designation has been revoked (including the prohibition of use), or who has discontinued his business or the use under this Act, shall take measures necessary for transfer, conservation, discharge, storage, treatment, disposal, decontamination, record-transfer of radioactive materials, etc. or radiation generating devices or other measures for protection against radiation damage as prescribed by the Presidential Decree, and file a report thereon to the Commission within thirty days from the date on which such measures are taken.

(2) If the nuclear enterpriser fails to take the measures referred to in Paragraph (1), or it is deemed necessary to protect local residents or peripheral environment from radioactive materials etc. or radiation generating devices, the Commission may take necessary measures, such as removal of radioactive materials, etc. or radiation generating devices, and decommissioning of any contaminated facility, etc.

(3) The Commission may have a nuclear enterpriser bear the expenses for the measures as referred to in Paragraph (2).

(4) In receipt of a report under the proviso to paragraph (1), the Commission shall review the details of the report and, if they are in compliance with this Act, shall accept the report.

Article 96 (Restriction on Handling of Facility for Nuclear Power Utilization)

A person who is under eighteen years of age, shall not be allowed to handle facility for utilization of nuclear power or radioactive material, etc. Provided, however, that the same shall not apply to the case where such person handles such facility or radioactive material for the purpose of education and training, etc. as recognized by the Commission.

Article 97 (Report of Theft, etc.)

In case that the nuclear enterpriser suffers from theft, loss, fire or other accidents in connection with radiation generating device or radioactive material, etc. in his possession, he shall file a report thereon to the Commission without delay.

Article 98 (Report/Inspection, etc.)

(1) If it is deemed necessary for the enforcement of this Act, the Commission may order any nuclear enterpriser, any dosimeter reading service provider, any enterpriser participating in the construction or operation of nuclear reactor and related facilities and any person, prescribed by the Presidential Decree, who deals in internationally controlled materials or who is engaged in the related

research, to submit a report or documents on their business, or to complement the submitted documents.

(2) The Commission may have any public official under his control enter the relevant business place, factory, ship, research facility or site, etc., inspect books, documents, facility, and other necessary things, or ask any questions to the persons concerned, and collect a minimum quantity of samples necessary for a test, if it is necessary to confirm on the spot the contents reported or documents submitted under Paragraph (1) and it is deemed specifically necessary for the safety of facility for the utilization of nuclear power, or if it is necessary to conduct various inspections as prescribed by this Act,

(3) If the Commission finds as a result of the inspection, etc. conducted under Paragraph (2) that there are matters contrary to this Act or the international commitment, he may order corrective or complementary measures.

(4) Persons who are designated by the International Atomic Energy Agency or by the government of a country that has supplied internationally controlled materials in accordance with an international commitment may enter the business place, factory, research facility and sites, etc. of any person who deals in internationally controlled materials or who is engaged in the related research within the scope of what is prescribed by the international commitment to inspect books, documents, facilities and other necessary goods, to ask questions to persons concerned or to collect a necessary minimum quantity of samples under the supervision of public officials designated by the Commission.

(5) A person, who is designated by the International Nuclear Energy Agency, may install any facility to monitor any movement of internationally controlled material or attach the seal thereto within the limit as determined by the international commitment, under the supervision of public officials designated by the Commission.

(6) The Commission may take any measures necessary for confirming any movement of, or managing any information on, the internationally controlled material, under the conditions as prescribed by the Presidential Decree.

(7) A person who performs his duty to conduct any inspection, or to monitor and confirm any movement of the internationally controlled material, under Paragraphs (2) and (4) through (6), shall produce a certificate indicating his powers to the persons concerned.

Chapter X Supplementary Provisions

Article 99 (Conditions for Permit or Designation)

(1) Conditions necessary for securing safety may be added to the permit or designation as prescribed by this Act.

(2) Conditions as referred to in Paragraph (1) shall be the minimum for the enforcement of this Act, and shall not impose unreasonable obligations upon a person who has obtained the permit or designation.

Article 100 (Approval of Topical Report)

(1) If a person, who wishes to construct or operate, or who participates in, a nuclear reactor and related facilities, applies for an approval of a topical report as prescribed by the Ordinance of the Prime Minister, the Commission may approve it.

(2) Items that have already been approved pursuant to Paragraph (1) may not be indicated, among the items that need to be indicated on the documents for requesting for permit under Articles 10 (2), 20 (2), 30 (2) and 30-2 (2).

Article 101 (Hearing)

In case that the Commission intends to dispose of any of the following Subparagraphs, he shall hold a hearing:

1. Cancellation of the permit or registration under the provisions of Articles 17 (1), 24 (1), 32, 48, 57 (1), 66 (1), or 81;
2. Cancellation of the permit or designation under the provisions of Article 38 (1);
3. Cancellation of license under the provisions of Article 86.

Article 102 (Protection of Employee)

The nuclear enterpriser or the dosimeter reading service provider shall not lay off his employee or disadvantage him on the grounds that they have performed an act falling under any of the following Subparagraphs:

1. An act of complying with technical specifications under Articles 20 (2) or 30-2 (2), the safety management regulations under Articles 35 (3), 45 (2), 53 (3), or 63 (2), and the quality assurance program with respect to dosimeter reading under Article 78 (3);
2. In a case that the nuclear enterpriser or the dosimeter reading service provider violates or is feared to violate the technical specifications, safety management regulations and quality assurance program for the dosimeter reading service as referred to in Subparagraph 1, an act of informing this to the Commission or the head of the agency to whom the Commission delegates or entrusts his authority;
3. An act of giving testimony or producing evidence to comply with any inspection

Nuclear Safety Laws of the Republic of Korea

- or investigation as referred to in Articles 16(including a case where it applies mutatis mutandis under Article 34), 22(including a case where it applies mutatis mutandis under Article 34), 37, 47, 56, 61, 65, 77, 80 and 98;
4. Acts of services performed by radiation safety officers under subparagraphs 1 through 4 of Article 53-3 (1), actions or recommendations by radiation safety officers on radiation safety management under of the Article 53-2 (5), or acts of requesting for actions or assistance as required for safety management under Article 59-2 (7).

Article 103 (Gathering of Residents' Opinion)

(1) Anyone who falls under any of the following(“applicant” hereinafter under this Article) shall, when he compiles a radiological environmental impact assessment report under the provisions of Articles 10 (2), (5), 20 (2) or 63 (2), make the draft radiological environmental impact assessment report under paragraph (3) accessible to the public through the disclosure of online information and the provision of related local governments and hold public hearings, for the purpose of collecting opinions of residents within the scope prescribed by the Commission in order to incorporate such opinions into such report. In this case, if there is a demand for a public hearing from the head of the local government in jurisdiction of the region where residents’ opinion have to be collected or from the residents within the scope prescribed by the Presidential Decree, such public hearing shall be held.

1. Anyone who desires to obtain a permit or approval pursuant to Article 10 (1) or (3);
2. Anyone who desires to obtain an amendment of license under the latter part of Article 20 (1) to continue operation of a nuclear power reactor after design life of such facilities has expired;
3. Anyone who desires to obtain a permit for the construction -operation of facilities for the disposal of radioactive waste or for the storage of spent nuclear fuel pursuant to Article 63 (1).

(2) Anyone who intends to obtain approval under Article 28 (1) shall make the draft decommissioning plan under paragraph (3) accessible to the public through the disclosure of online information and the provision of related local governments and hold public hearings, when he prepares a decommissioning plan under Article 28 (2) for the purpose of collecting opinions of residents within the scope prescribed by the Commission in order to incorporate such opinions into such a decommissioning plan. In this case, if there is a demand for a public hearing from the head of the local government in jurisdiction of the region where opinion of the resident have to be collected or from the residents within the scope prescribed by the Presidential Decree, such public hearing shall be held.

(3) The applicant or any person who intends to obtain approval under Article 28 (1) shall prepare a draft radiological environmental impact assessment report or a draft a decommissioning plan in advance as provided under Ordinance of Prime Minister to collect the residents' opinions pursuant to paragraph (1) or (2).

(4) The Presidential Decree shall determine the method, procedure or other necessary matters for collection of the residents' opinion pursuant to paragraph (1), (2) and (3).

(5) The applicant or any person who intends to obtain approval under Article 28 (1) shall bear the expenses incurred for the collection of the residents' opinion pursuant to paragraph (1) and (2) as provided under the Presidential Decree.

Article 103-2 (Obligation to Disclose Information)

(1) The Commission shall fully disclose information prescribed by the Presidential Decree, such as the results of evaluation concerning construction permits for and operating licenses of nuclear energy utilization facilities and the findings of an inspection of nuclear safety management to secure public safety: Provided, however, that the Commission may not disclose the information where the disclosure is likely to prejudice significant national interests substantially.

(2) The methods and procedures for disclosing information as provided in paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree.

Article 104 (Preservation of Environment)

(1) The installer or operator of facility falling under any of the following Subparagraphs shall conduct the survey of radiation environment and the evaluation of the impact of radiation on environment and file a report thereon to the Commission under the conditions as prescribed by the Ordinance of the Prime Minister, and shall disclose within 30 days from the date of reporting.

1. Nuclear power reactor;
2. Nuclear research reactor capable of generating thermal power of not less than 100kw;
3. Nuclear fuel cycle facility;
4. Interim storage facility for spent nuclear fuel;
5. Radioactive wastes disposal facility.

(2) The Commission shall conduct a radiation environment survey at least once a year to verify the results of the radiation environment survey and the radiation environment impact assessment referred to in Paragraph (1).

(3) The Commission may, when he recognizes that it is feared to have an adverse impact on nearby environment as a result of the report under paragraph (1) or the survey under paragraph (2), order the installer or operator

Nuclear Safety Laws of the Republic of Korea

of the facility under paragraph (1) to take measures necessary for the preservation of environment.

(4) The Commission shall submit the results of the radiation environment survey under paragraph (2) to the Standing Committee under the jurisdiction of the National Assembly.

Article 105 (Monitoring of Nationwide Radioactive Environment)

(1) In order to protect public health and the environment from radiation by detecting any radioactive emergency situation at home and abroad at the early stage, the Commission shall monitor nationwide the radiation and radioactivity on environment as prescribed by Presidential Decree and assess the outcomes thereof and, if the assessment finds any peculiarities, may conduct a radiological environmental impact assessment.

(2) The Commission may establish and operate central and local radioactivity monitoring stations to carry out systematically the monitoring referred to in Paragraph (1).

(3) Matters necessary for the establishment and operation of the radioactivity monitoring stations referred to in Paragraph (2) shall be prescribed by the Ordinance of the Prime Minister.

Article 105-2 (Clinical Investigation or Research on Health Effects of Radiation)

(1) The Commission may conduct a survey on impact of radiation on health targeting people who have lived or are living in areas within a range determined by the Commission that are near a nuclear power reactor, a research reactor (excluding research reactors with thermal output not exceeding two megawatts), and the related facilities and radiation workers to determine the impact of radiation use on public health.

(2) If the Commission deems necessary for clinical investigation or research to determine health effects of radiation under paragraph 1, the Committee may request relevant agency(ies) to cooperate, such as submission of information/data under each of the following subparagraphs, or statements of opinions, etc. In such cases, an agency in receipt of such request shall comply therewith, except in extenuating circumstances:

1. Data/information on resident registration records on Resident Registration Record Cards under Article 7 of the 「Resident Registration Act」;
2. Data/information on eligibility, medical treatment or medical examination, etc. managed by the National Health Insurance Service under Article 14 of the 「National Health Insurance Act」;
3. Data/information on cancer registration statistics services under Article 14 of the 「Cancer Control Act」 and cancer information services under Article 15

of the same Act;

4. Data/information on occupations, diseases, causes of death, etc. among statistical data under Article 3 (4) of the 「Statistics Act」;
 5. Data/information on general medical examination or check-ups under Article 129 of the 「Occupational Safety and Health Act」 or special medical examination or check-ups under Article 130 of the same Act;
 6. Data/information related to recognition of occupational accidents under the 「Industrial Accident Compensation Insurance Act」;
 7. Data/information related to use of aircraft among data and information on cross-border movements under the 「Immigration Act」;
 8. Other data/information and materials deemed necessary by the Committee for clinical investigation or research to determine health effects of radiation.
- (3) Any person who is involved in jobs related to clinical investigation or research to determine health effects of radiation or who had been involved in jobs related to clinical investigation or research to determine health effects of radiation under paragraph (1) shall not divulge personal data/information or secrets learned during his/her job or use it for any purpose other than that for his/her job.

Article 106 (Education and Training)

- (1) The nuclear enterpriser shall, for the purpose of ensuring safety and preventing radiation damages which could arise from the utilization of nuclear power, conduct education and training for employee engaged in radiation handling and other persons with access to the controlled area in accordance with the Presidential Decree.
- (2) Any person who has obtained a license under the provisions of Article 84 shall receive the refresher education and training conducted by the Commission as prescribed by the Presidential Decree.
- (3) Institutions conducting research related to nuclear energy along with a nuclear energy-related business operators shall have the persons designated by Presidential Decree to receive education on nuclear energy control provided by the Commission as prescribed by Ordinance of the Prime Minister.

Article 107 (Procedure for Import or Export)

Procedure for import or export of reactor and related facilities, nuclear material and radioisotope, etc. shall be determined by the Commission in consultations with the Minister of Trade, Industry and Energy.

Article 107-2 (International cooperation)

Nuclear Safety Laws of the Republic of Korea

(1) The Commission may prepare and enforce policies to promote international cooperation with international organizations, foreign governments, or other agencies to promote nuclear safety or security.

(2) The Government may designate an agency that will provide expert support to enforce efficiently its policies concerning international cooperation under Paragraph (1) and may invest in or subsidize all or part of the necessary expenses for such support activities.

(3) The Presidential Decree shall set forth the matters required for promoting international cooperation, including designating and supporting an expert agency pursuant to Paragraph (2).

Article 108 (Prohibition of Disclosure of Secret)

Any member of the Commission and the Specialized Commission under Article 15 of the Act on the Establishment and Operation of the Nuclear Safety and Security Commission or a public official who engages or has engaged in the duties as prescribed in this Act shall not disclose nuclear secret which he has learned in the course of performing his duties or shall not use such secrets for other purposes than the enforcement of this Act.

Article 109 (Allowances for Public Officials Engaging in Nuclear Safety)

Public officials engaging in nuclear safety control incidental thereto may receive a research allowance, a danger allowance, a work allowance or a health allowance under the conditions as prescribed by the Presidential Decree, in addition to salary and other allowances as prescribed in the State Public Official Act.

Article 110 (Compensation)

A person who has suffered damage to his body or properties from radiation by nuclear utilization and safety control incidental thereto shall be entitled to adequate compensation under the conditions as prescribed by the Presidential Decree.

Article 110-2 (Payment of monetary reward)

(1) The Commission may pay monetary reward, within its budget, to those who contributed to nuclear safety by reporting or informing the Commission of any act violating this Act or submitting evidences thereof.

(2) The Presidential Decree shall set forth matters necessary for the criteria and procedure for the payment of reward under Paragraph (1).

Article 110-3 (Abatement of accountability or responsibility)

- (1) The punishment may be abated or exempted for a person whose crime has been discovered after he reports to or informs the Commission of any violation of this Act.
- (2) Paragraph (1) shall apply mutatis mutandis to the disciplinary actions taken by a government agency.
- (3) When any act of violating this Act is reported by a person, he/she shall be deemed not to have violated his/her duty to keep job-related secrets, notwithstanding other statutes, collective agreement, or employment rules.

Article 111 (Delegation of Authority)

(1) The Commission may entrust its authority as provided in this Act over the following duties to the institution established under Article 5 (2), KINAC, the Safety Foundation and other relevant specialized or administrative agencies, as prescribed by the Presidential Decree:

1. Safety review related to authorization, permit and designation under the provisions of the former and later parts of Article 10 (1), the former and latter parts of Article 12 (1), the former and latter parts of Article 20 (1), the former and latter parts of Article 30 (1), the former and latter parts of Article 35 (1), the former part of Article 35 (2), the former and latter parts of Article 45 (1), the former and latter parts of Article 53 (1), and the former and latter parts of Article 63 (1);
2. Safety review related to approval under the provisions of Article 10 (3)(including the case where it applies mutatis mutandis under Article 69), the former and latter parts of Article 15 (1)(including the case where it applies mutatis mutandis under Articles 29, 34, 44, 51 and 69), the former and latter parts of Article 28 (1)(including the case where it applies mutatis mutandis under Article 34), the latter part of Article 35 (2), the former and latter parts of Article 42 (1), the former and latter parts of Article 60 (1), the former and latter parts of Article 68-3 (1), the former and latter parts of Article 68-4 (1), the former and latter parts of Article 76 (1), the former and latter parts of Article 77-2 (1), and Article 100 (1);
3. Research and development of standards(including technical standards) under the provisions of Subparagraphs 2 and 4 of Article 11(including the case where it applies mutatis mutandis under Article 30 (3)), Subparagraphs 2 and 4 of Article 21(including the case where it applies mutatis mutandis under Article 30-2 (3)), Subparagraph 3 of Article 36, Subparagraph 3 of Article 46, Article 50 (1), Article 52 (2), Subparagraphs 1 and 3 of Article 55 (1), Article 59 (1), Subparagraphs 2, 4-2 and 5 of Article 64 (1), Article 68 (1), Article 72, and Subparagraph 2 of Article 79;

4. Inspection, confirmation and check-up under the provisions of Article 16 (1)(including the case where it applies mutatis mutandis under Article 34), Article 22 (1)(including the case where it applies mutatis mutandis under Article 34), the latter part of Article 28 (3) and 28 (6)(including the case where it applies mutatis mutandis under Articles 34, 44 and 68-3 (3)), Article 37 (1), Article 47 (1), the main sentence of Article 56 (1), the main sentence of Article 61 (1), Article 65 (1), Articles 68-4 (3) and (5), Article 75 (1), the main sentence of Article 77 (1), Article 77-3 (1), and Article 80 (1);
5. License examination under the provisions of Article 87;
6. Management of information on internationally controlled material under the provisions of Article 98 (6);
7. Management of records and reports on exposure to radiation worker, which are read by a dosimeter reading service provider under Articles 82 and 98 (1);
8. Receipt of reports filed under the proviso of Article 10 (1), the proviso of Article 15 (1) (including where such provisions shall apply mutatis mutandis under Articles 29, 34, 44, 51 and 69), 15-2 (including where such provisions shall apply mutatis mutandis under Articles 29 and 34), the proviso of Article 20 (1), the proviso of Article 28 (1) (including where such provisions shall apply mutatis mutandis under Article 34), the proviso of Article 30 (1), the proviso of Article 30-2 (1), Article 33, the proviso of Article 35 (1) and the proviso of paragraph (2) of the same Article, the proviso of Article 42 (1), Article 43 (including where such provisions shall apply mutatis mutandis under Articles 51, 62, 69 and 83), the proviso of Article 45 (1), Article 52 (1), the proviso of Article 53 (1) and (2), Article 53-3 (1) and (3), Article 54 (2), the proviso of Article 60 (1), the proviso of Article 63 (1), the proviso of Article 68-3 (1), the proviso of Article 68-4 (1), the proviso of Article 63 (1), the proviso of Article 68-3 (1), the proviso of Article 68-4 (1), the proviso of Article 10 (1), the proviso of Article 15 (1) (including where such provisions shall apply mutatis mutandis under Article 29, 34, 44, 51 and 69), Article 15-2 (including where such provisions shall apply mutatis mutandis under Article 29 and 34), the proviso of Article 20 (1) and the proviso of Article 28 (1) (including the cases where it is applied mutatis mutandis in Article 34), the proviso of Article 30 (1), the proviso of Article 30-2 (1), the proviso of Article 33, 35 (1), the proviso of Article 42 (1), the proviso of Article 42 (1), and Article 43 (including the cases where it is applied mutatis mutandis in Articles 51, 62, 69 and 83), the proviso of Article 45 (1), Article 52 (1), the proviso of Article 53 (1) and paragraph (2) of the same Article, Article 54 (2), the proviso of Article 60 (1), the proviso of Article 63 (1), the proviso of Article 68-3 (1), the proviso of Article 68-4 (1), the proviso of Article 76 (1), the proviso of Article 77-2 (1), Article 78 (2)

- and Article 95 (1);
9. Conduct of refresher education and training under the provisions of Article 106 (2) and education and training for nuclear control under the provisions of Article 106 (3);
 10. Affairs related to delivery of a license under the provisions of Article 88 (1), expropriation and transfer of nuclear material, etc. under the provisions of Article 93, reporting under the provisions of Articles 98 (1) and 104 (1), and export and import under the provisions of Article 107;
 11. Request for furnishing and supplementing documents under the provisions of Article 98 (1), which are required to carry out the entrusted business under the provisions of Subparagraphs 1 through 8;
 12. Safety review in relation to registration under the provisions of Articles 54 (1) and 78 (1);
 13. Survey of radiation environment under the provisions of Article 104 (2), and the monitoring and evaluation of the impact of radiation and radioactivity on environment under the provisions of Article 105 (1);
 14. Safety review in connection with the periodic safety review as prescribed in Article 23 (1)(including cases wherein the same is applied mutatis mutandis under Article 34 (1)) and Article 65-2 (1);
 - 14-2. Pre-review of compliance with the standards for permit for large accelerator under Article 53-2 (1);
 15. Clinical investigation or research on health effects of radiation under Article 105 (2);
 16. Other affairs prescribed by the Presidential Decree.
 - (2) The Commission may, if it is deemed necessary, subsidize institutions entrusted with authority under Paragraph (1).
 - (3) Deleted.
 - (4) Deleted.
 - (5) The head of the institution entrusted with the authority under Paragraph (1), shall determine the guidelines for performing entrusted duties for an efficient exercise of entrusted authority, under the conditions as prescribed by the Presidential Decree, and obtain the approval of the Commission. The same shall also apply in a case where he intends to change this.
 - (6) Deleted.

Article 111-2 (Dues for Nuclear Safety Management etc.)

- (1) The Commission may impose dues for nuclear safety management (hereinafter referred to as “dues”) and collect them from an applicant for any permit, designation, approval, registration, pre-review or education or training pursuant to this Act, nuclear energy-related business operators or dosimeter reading service providers(hereinafter referred to as “nuclear energy-related

Nuclear Safety Laws of the Republic of Korea

business operators”) for its smooth performance of the duties provided under Items of Article 111 (1).

(2) The amount and standards for calculation of the dues shall be prescribed by the Presidential Decree after taking into account the demand for nuclear safety management caused by the nuclear energy-related business operators and the demand for the protection of the related facilities and the prevention of radioactivity.

(3) The methods and time of payment of the dues and other necessary matters shall be prescribed by the Presidential Decree.

(4) The Commission shall consult with the heads of the related central administrative agencies to revise any necessary matters related to the amount, calculation standards for, methods or time of payment of the dues.

Article 111-3 (Compulsory Collection)

(1) Where any nuclear energy-related business operator fails to pay the dues by the due date, the Commission shall urge the payment of such dues within seven days after the lapse of the due date.

(2) Where any dues or amounts in arrears are not paid by the due date, a late-payment penalty shall be collected by applying mutatis mutandis Article 47-4 of the Framework Act on National Taxes. <Amended on Aug. 27, 2019>

(3) A payment period of between 10 and 60 days shall be specified in a reminder notice issued under paragraph (1).

(4) Where a person in receipt of a reminder notice issued under paragraph (1) fails to pay the dues and late-payment penalty provided in paragraph (2) within the specified due date, the Commission may collect such dues and late-payment penalty in the same manner as delinquent national taxes are collected.

Article 111-4 (Financial Resources and Purposes of Nuclear Safety Regulation Account of Nuclear Energy Fund)

(1) The financial resources of the nuclear safety regulation account as provided in Article 17 (2) of the Nuclear Energy Promotion Act shall be as follows:

1. Dues as provided in Article 111-2 (1) and late-payment penalties as provided in Article 111-3 (2);
2. Contributions under Article 45-2 of the Act on Physical Protection and Radiological Emergency and penalties under Article 45-3 of the same Act;
3. Penalty surcharges and administrative fines collected under this Act and the Act on Measures for the Protection of Nuclear Facilities, etc. and the Prevention of Radiation Disasters;
4. Indemnity rates as provided in Article 7 of the Act on Indemnity Agreements

for Nuclear Damage Compensation;

5. Contributions from the Government;
6. Contributions and donations from persons or entities other than the Government;
7. Funds transferred from general accounts;
8. Revenues generated by managing the nuclear safety regulation account;
9. Deposits received from the public capital management fund established under the Public Capital Management Fund Act;
10. Loans as provided in Article 17 (3) of the Nuclear Energy Promotion Act;
11. Other revenues provided under the Presidential Decree.

(2) The nuclear safety regulation account shall be used for any of the following purposes:

1. Safety management of nuclear energy utilization facilities;
 2. Safety management for the prevention of damage caused by radiation and radioactive materials;
 3. Nuclear energy control;
 4. Protection of nuclear energy utilization facilities and prevention of radioactivity;
 5. Installation and operation of facilities, tools, materials, equipment, and information systems necessary for the purposes provided in Subparagraphs 1 through 4;
 6. Research and development on nuclear safety to develop the standards, procedures, guidelines, etc. necessary for the purposes provided in Subparagraphs 1 through 4;
 7. Education and training of personnel pertaining to Subparagraphs 1 through 4;
 8. International cooperation pertaining to Subparagraphs 1 through 4;
 9. Compensation as provided in Article 9 of the Nuclear Damage Compensation Act;
 10. Basic expenses necessary for the operation of institutions specializing in nuclear safety and security as provided in Article 5 and KINAC as provided in Article 6;
 11. Deposits received from the public capital management fund established under the Public Capital Management Fund Act and the repayment of the principal of and interest on loans as provided in Article 17 (3) of the Nuclear Energy Promotion Act;
 12. Other services related to the safety management of nuclear energy utilization facilities prescribed by the Presidential Decree, safety management to prevent damages caused by radiation and radioactive materials, nuclear control, protection of nuclear facilities etc., and prevention of radioactivity.
- (3) The Commission may provide a grant or subsidy to any institution or organization that carries out any of the activities provided in the Items of paragraph (2) to reimburse expenses incurred.

Article 112 (Fees)

A person, who intends to apply for permit, designation, approval, license, registration or inspection under this Act, shall pay the fees as prescribed by the Ordinance of the Prime Minister. Provided, however, that the Commission may exempt the payments of such fees for the State, local governments, schools established under the Elementary and Secondary Education Act, the Higher Education Act and other laws and for other institutions as prescribed by the Presidential Decree to which the Government pays contributions under this Act or other acts.

Chapter XI Penalty Provisions

Article 113 (Penalty Provisions)

(1) A person, who has destroyed a nuclear reactor and damaged human life, body or property, or disturbed public safety, shall be punished by a death, penal servitude for life or penal servitude for a term of not less than three years.

(2) A person, who has committed a crime as referred to in Paragraph (1) in time of war, natural disaster, or a state of emergency equivalent thereto shall be punished by a death or penal servitude for life.

(3) Attempts to commit the crimes specified in Paragraphs (1) and (2) shall be punished.

(4) A person, who has prepared, conspired or agitated with intent to commit crimes specified in Paragraph (1) or (2) shall be punished by a penal servitude for a term of not less than three years.

Article 114 (Penalty Provisions)

(1) A person, who has improperly manipulated radioactive material, etc., a nuclear reactor and related facilities, nuclear fuel cycle facility or radiation generating device and caused danger to human life or body, shall be punished by penal servitude for a term of not less than one year but not more than ten years.

(2) A person, who has caused another's death by committing the crime specified in Paragraph (1), shall be punished by penal servitude for a limited term of not less than three years.

Article 115 (Penalty Provisions)

A person, who has violated the provisions of Article 108, shall be punished by penal servitude for a term of not more than ten years.

Article 116 (Penalty Provisions)

A person falling under any of the following Subparagraphs, shall be punished by penal servitude for not more than three years or a fine not exceeding thirty million Won, or both:

1. A person who has committed an act, such as use, possession, operation of business, etc. as prescribed in each relevant Article without permit, registration or designation, in violation of the provisions of the former part of Article 10 (1), the former part of Article 20 (1), the former part of Article 30 (1), the former part of Article 30-2 (1), the former part of Article 35 (1), the former part of Article 35 (2), the former part of Article 45 (1), the former part of Article 53 (1), Article 54 (1), the former part of Article 63 (1), or Article 78 (1);
2. A person who has violated orders issued under Articles 27(including the case where it applies mutatis mutandis under Article 34), 41, 50 (2), 68-2 or 92 (2);
3. A person who has continued his business or affairs in violation of orders to suspend such business or affairs under the provisions of Article 17 (1), 24 (1), 32, 38 (1), 48, 57 (1), 59-2 (3), 66 (1) or 81 (1).
4. A person who has leaked personal information or confidential information he/she has learned in violation of Article 105-2 (3) to others or used it for purposes other than his/her duties;

Article 117 (Penalty Provisions)

A person falling under any of the following Subparagraphs shall be punished by penal servitude for not more than one year or a fine not exceeding ten million Won, or both:

1. A person who has changed permitted matters or designated matters without obtaining permit or designation for such change in violation of the provisions of the latter part of Article 10 (1), the latter part of Article 20 (1), the latter part of Article 30 (1), the latter part of Article 30-2 (1), the latter part of Article 35 (1) the latter part of Article 35 (2), the latter part of Article 45 (1), the latter part of Article 53 (1), or the latter part of Article 63 (1);
2. A person who has failed to obtain approval in violation of the provisions of Article 10 (4)(including the case where it applies mutatis mutandis under Article 69), Article 26 (6)(including the case where it applies mutatis mutandis under Article 34), the former part of Article 15 (1)(including the case where it applies mutatis mutandis under Articles 29, 34, 44, 51 and 69), Article 26 (6)(including the case where it applies mutatis mutandis under Article 34) the former part of Article 28 (1)(including the case

Nuclear Safety Laws of the Republic of Korea

where it applies mutatis mutandis under Article 34), the former part of Article 42 (1), the former part of Article 60 (1), the former part of Article 68-3 (1), the former part of Article 68-4 (1), the former part of Article 76 (1) or the former part of Article 111 (5);

3. A person who has not undergone an inspection on matters to be inspected in violation of the provisions of Articles 16 (1)(including a case where it applies mutatis mutandis under Article 34), 22 (1)(including the case where it applies mutatis mutandis under Article 34), 37 (1), 47 (1), 56 (1), 65 (1), 75 (1), 77 (1), 77-3 (1) or 80 (1) or who has rejected, hindered or evaded an inspection, or made a false statement under the provisions of Article 98 (2) and (4);
4. A person who has entered or resided in an exclusion area in violation of the restriction order issued under Article 89 (2), or has violated the provisions of Paragraph (5) of the same Article;
5. A person who has violated orders issued under the provisions of Articles 31 (3), 52 (3), 59 (2), 59-2 (2) or 98 (1) and (3);
6. A person who has violated the provisions of Articles 70 (1) and (2), 77 (2), 77-3 (2), the main sentence of Article 84 (1), Articles 94, 96 or 97;
7. A person who has failed to report or made a false report in violation of Articles 15-3(including cases wherein this provision is applied mutatis mutandis under Article 29 or 34), 15-4 (2), 74 (2), 92 (1), 92-2, 98 (1) or 104 (1);

Article 118 (Penalty Provisions)

A person falling under any of the following Subparagraphs shall be punished by a fine not exceeding thirty million Won:

1. A person who has violated orders issued under the provisions of Articles 15-4 (3), 16 (2)(including the case where it applies mutatis mutandis under Article 34), 22 (2)(including the case where it applies mutatis mutandis under Article 34), 23 (2)(including cases wherein this provision is applied mutatis mutandis under Article 34 (1)), 28 (7)(including the case where it applies mutatis mutandis under Article 34, 44 and 68-3 (3)), 37 (2), 47 (2), 56 (2), 65 (2), 65-2 (2), 68-4 (4), 75 (2) or 104 (3);
2. A person who has violated the provisions of Articles 23 (1)(including cases wherein this provision is applied mutatis mutandis under Article 34 (1)), 26 (1) through (5)(including the case where it applies mutatis mutandis under Article 34), 40 (1), 65-2 (1), 68 (1), 88 (2) or 102;
3. A person who has changed approved matters without obtaining approval for such change in violation of the provisions of the latter part of Article 15 (1)(including the case where it applies mutatis mutandis under Articles 29, 34, 44, 51 and 69), the latter part of Article 28 (1)(including the case

where it applies mutatis mutandis under Article 34), the latter part of Article 68-3 (1) or the latter part of Article 68-4 (1);

4. A person who fails to provide safe working environment in violation of Article 59-2 (1);
5. A person who has failed to make a report or has made a false report in violation of Article 59-2 (6);
6. A person who has violated the conditions for permit or designation under the provisions of Article 99 (1).

Article 119 (Administrative Fines)

(1) A person falling under any of the following Subparagraphs shall be punished by an administrative fine not exceeding 30 million Won:

1. A person who fails to report or files a false report in violation of the proviso of Article 10 (1), the proviso of Article 15 (1) (including where it is applied mutatis mutandis in Articles 29, 34, 44, 51 and 69), Article 15-2 (including where it is applied mutatis mutandis in Articles 29 and 34), Article 19 (3) (including where it is applied mutatis mutandis in Articles 29, 34, 44, 51, 62, 69 and 83), the proviso of Article 20 (1), the proviso of Article 28 (1) (including where it is applied mutatis mutandis in Article 34), the proviso of Article 30 (1), the proviso of Article 30-2 (1), Article 31 (1) or 33, the proviso of Article 35 (1) and the proviso of paragraph (2) of the same Article, the proviso of Article 42 (1), Article 43 (including where it is applied mutatis mutandis in Articles 51, 62, 69 and 83), the proviso of Article 45 (1), Article 52 (1), the proviso of Article 53 (1) and the proviso of paragraph (2) of the same Article, Article 53-3 (1) and (3), Article 54 (2), the proviso of Article 60 (1), the proviso of Article 63 (1), the proviso of Article 68-3 (1), the proviso of Article 68-4 (1), Article 71, the proviso of Article 76 (1), the proviso of Article 77-2 (1), or Article 78 (2) or 95 (1);
2. A person who violates any of Article 40 (2), 50 (1) and (3), 52 (2), 53-3 (4) and (5), 59 (1) and (3), 59-2 (7), 61, 68 (2), 70 (3) and (4), 72, 73, 74 (1), 91 or 106 (1);
3. A person who has failed to make records or made false records in violation of the provisions of Articles 18(including the case where it applies mutatis mutandis under Article 34), 25(including the case where it applies mutatis mutandis under Article 34), 39, 49, 52 (4), 58, 67, or 82;
4. A person who has violated orders issued under the provisions of Article 80 (2); and
5. A person who has changed approved matters without obtaining approval for such change in violation of the latter part of Article 28 (1)(including a case where it applies mutatis mutandis under Article 34), the latter part of

Nuclear Safety Laws of the Republic of Korea

Article 42 (1), the latter part of Article 60 (1), the latter part of Article 76 (1), the latter part of Article 77-2 (1), or the latter part of Article 111 (5).

6. A person who has forged or tampered with a document related to performance verification under Article 15-2;
 7. A person who has not designated an agent in violation of Article 53-3 (6);
 8. A person who did not carry out education and training in violation of Article 106 (3).
- (2) The Administrative Fine under Paragraph (1) shall be imposed and collected by the Commission as set forth under the Presidential Decree.
- (3) Deleted.

Article 120 (Joint Penalty Provisions)

(1) In a case where a representative of a juridical person, an agent, an employee or any other person of a juridical person or individual has, with regard to the business of such juridical person or such individual, committed an act in violation of Articles 113 through 115, the juridical person or individual shall be punished by a fine not exceeding one hundred million Won, in addition to the punishment of the offender. Provided, that the same shall not apply to the case where a juridical person or individual makes sufficient attention and supervision for the related business to prevent an act in violation.

(2) In a case where a representative of a juridical person, an agent, an employee or any other person of a juridical person or individual has, with regard to the business of such juridical person or such individual, committed an act in violation of Articles 116 through 118, the juridical person or individual shall be punished by a fine as referred to in each relevant Article, in addition to the punishment of the offender. Provided, that the same shall not apply to the case where a juridical person or individual makes sufficient attention and supervision for the related business to prevent an act in violation.

Article 121 (Legal Fiction as government employees in applying penalty provisions)

Anyone falling under any of the following shall be regarded as a government employee in applying the penalty provisions under the Criminal Act or other statutes:

1. Those who conduct performance verification service at a performance verifying agency;
2. Those who engage in performance verification controlling service at a performance verification control agency;
3. Officers or employees of an agency that performs the services delegated under Article 111 or other related expert agencies.

ADDENDUM <Act No. 10911, Jul. 25, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Article 2 (Transitional Measures concerning Previous Dispositions, etc.)

Any disposition, procedure or other actions concerning nuclear energy safety taken in accordance with the former Atomic Energy Act at the time this Act enters into force shall be deemed taken in accordance with this Act.

Article 3 (Transitional Measures concerning Penalty Provisions)

The application of penalty provisions against any action taken before this Act enters into force shall be governed by the former Atomic Energy Act.

Article 4 (Revision of other Acts) Omitted.

Article 5 (Relationship to other Acts)

A citation of the Atomic Energy Act or a provision thereof by any other Act at the time this Act enters into force shall be deemed a citation of this Act or the corresponding provision of this Act, if such corresponding provision exists within this Act.

ADDENDUM <Act No. 11715, Mar. 23, 2013>

(Act on the Establishment and Operation of the Nuclear Safety and Security Commission)

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 and **Article 3** Omitted.

Article 4 (Amendments to Other Acts)

① and ② Omitted.

③ The Nuclear Safety Act shall be partially amended as follows:

“Rules of the Nuclear Safety and Security Commission” in Article 2 subparagraph 17 shall be amended as “Ordinance of the Prime Minister.”

Nuclear Safety Laws of the Republic of Korea

“Rules of the Nuclear Safety and Security Commission (hereinafter referred to as “rules of the Commission”)” in the proviso Article 10 (1) shall be amended as “Ordinance of the Prime Minister.”

“Rules of the Commission” in Article 10 (2), (4) and (5), Article 11 subparagraph 1, the proviso to Article 12 (1), Article 12 (2), the proviso to Article 15 (1), Article 18, the proviso to Article 20 (1), Article 20 (2), Article 25, the proviso to Article 28 (1), the proviso to Article 30 (1), the main sentence of Article 30 (2), Article 31 (2), the provisos to Article 35 (1) and (2), Article 35 (3), Article 36 (1), Article 39, the proviso to Article 42 (1), the proviso to the part other than the subparagraphs of Article 45 (1), Article 45 (2), Article 46 subparagraph 1, Article 49, Article 52 (1) 2 and (4), the proviso to Article 53 (1), the paragraph preceding Article 53 (2), the main sentence of Article 53 (3), Article 54 (1) 6 and (3), Article 55 (2) 1 and 3, Article 58, the proviso to Article 60 (1), Article 60 (2), the proviso to Article 63 (1), Article 63 (2), Article 64 subparagraph 1, Article 67, Article 70 (2) and (4), Article 71 (1) and the paragraph preceding paragraph (2), Article 74 (1), the preceding paragraph of and proviso to Article 76 (1), Article 76 (2), Article 78 (3), Article 79 subparagraphs 1 and 2, Article 82, Article 86 (2), Article 88 (1), Article 94 subparagraphs 2 and 3, Article 100 (1), Article 103 (2), Article 104 (1) other than the subparagraph Article 105 (3), Article 106 (3), and the main sentence of Article 112 shall be amended as “Ordinance of the Prime Minister.”

“Rules of the Commission” in Article 11 subparagraph 2 shall be amended as “rules of the Nuclear Safety and Security Commission (hereinafter referred to as “rules of the Commission”).”

“Minister of Land, Transport and Maritime Affairs” in Article 31 (2) and (3) shall be amended as “Minister of Oceans and Fisheries,” “Minister of Education, Science and Technology and Minister of Knowledge and Economy” in Article 35 (4) as “Minister of Science, ICT and Future Planning and Minister of Trade, Industry and Energy,” and “Minister of Knowledge Economy” in Article 107 as “Minister of Trade, Industry and Energy.”

Article 5 Omitted.

ADDENDUM <Act No. 12666, May. 21, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date when six months have lapsed from its promulgation. Provided, however, that the amended provisions under Article 14 (1) or (2), Article 85 shall enter into force on the date of their promulgation.

Article 2 (Examples of application to declaration of contracts on safety-related equipment or facilities)

The amended provision under Article 15-2 shall apply to the portion of a contract on design, manufacture, or performance verification of safety-related facilities concluded for the first time after this Act enters into force.

Article 3 (Transitional measures for reasons for disqualification, including legal incompetence)

Notwithstanding the amended provisions under Article 14 (1) or (2), Article 85, the previous provisions shall apply to those whose legal incompetence or quasi- incompetence remains valid pursuant to Article 2 of the ADDENDUM of the partly amended Civil Act under Law No. 10429 among those who have already been adjudged incompetent or quasi-incompetent at the time the amended provisions enter into force.

Article 4 (Transitional measures for the criteria for administrative disposition)

The existing provisions shall apply to administrative disposition (including imposition of fines or penalties) against violations before this Act enters into force.

Article 5 (Transitional measures for the permit of research reactors)

Those obtaining a permit for a research reactor, etc., pursuant to the existing provisions when this Act enters into force shall be deemed to have obtained a permit for the construction or operation of a research reactor under the amended provisions of Article 30 (1) or Article 30-2 (1).

Article 6 (Amendment of other statutes)

The Act on the Promotion or Control of Radiographic Testing Technologies shall be amended partly as follows:

Article 16 and **Article 25** (2) are deleted.

ADDENDUM <Act No. 13078, Jan. 20, 2015>

Article 1 (Enforcement Date)

Nuclear Safety Laws of the Republic of Korea

This Act shall enter into force six months after its promulgation. Provided, however, the amended provision of Article 103 (1) shall be enforced from the day of promulgation.

Article 2 (Transitional measures concerning the approval of decommissioning plans)

Those who construct or operate a nuclear power reactor and related facilities, a research or educational reactor and related facilities, or a nuclear fuel cycle facility pursuant to the previous provisions shall obtain approval by submitting to the Commission a decommissioning plan of the relevant facility within three years from the enforcement date of this Act. In such a case, the a decommissioning plan approved by the Commission shall be treated as the a decommissioning plan submitted to the Commission pursuant to the amended provisions of Article 10 (2), Article 20 (2), Article 30 (2), Article 30-2 (2), or Article 35 (3).

Article 3 (Exceptional cases concerning the collection of residents' opinions)

Those who apply for an under the latter half of Article 20 in order to continue operating a nuclear power reactor and related facilities after the expiry of their design life within six months from the promulgation of the Act may supplement the procedure for the collection of the residents' opinions pursuant to the amended provision of Article 103 (1) within six months from the day on which the is applied for.

ADDENDUM <Act No. 13389, Jun. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on 1 January 2016. However, the amended provisions under Article 2 Item 25, Article 20 (2), Article 21 (1) Item 6, and Article 103-2 shall be enforced on the day when one year has elapsed since its promulgation.

Article 2 (Applicability to Compulsory Collection)

The amended provisions of Article 111-3 shall apply beginning with the first dues imposed after this Act enters into force.

Article 3 (Transitional Measures concerning accident management program)

A person who is operating a nuclear power reactor or related facilities, or a person who has submitted an application for an operating license and is under examination by the Commission pursuant to the previous provisions, as of the time the amended provisions of Article 20 (2) enter into force, shall submit to the Commission an accident management program for the related facilities within three years of the date of enforcement of such amended provisions regardless of whether the operating license is granted. In such cases, an accident management program submitted to the Commission shall be deemed to have been submitted to the Commission pursuant to the amended provisions of Article 20 (2).

Article 4 (Amendment to other statutes)

The Framework Act on Dues Management is hereby amended partly as follows:
Attached Schedule 11 is amended as follows:

11. Nuclear safety management dues under Article 111-2 of the Nuclear Safety and Security Act.

ADDENDUM <Act No. 13545, Dec. 1, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Approval of Plans for Discharging Radioactive Materials etc. in Liquid or Gas Forms)

A person who operates a nuclear power reactor or related facilities, or who has filed an application for an operating license pursuant to the former provision at the time this Act enters into force, shall submit a plan for discharging radioactive material etc. in liquid or gas form to the Commission and shall obtain approval thereof within two years of the date of enforcement of this Act.

ADDENDUM <Act No. 13616, Dec. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on the day it is promulgated: Provided, however, that the amended provisions of Article 7-2 shall enter into force three months after the date of its promulgation, and the amended provisions of Item 24-2 of Article 2 and Item 5 of Article 64 shall enter into force one

year after the date of its promulgation.

Article 2 (Preparation for Incorporation)

(1) The Korea Foundation of Nuclear Safety, a foundation incorporated under the Civil Act before this Act's enforcement (hereinafter referred to as the "Incorporated Foundation"), shall prepare the articles of incorporation of the Safety Foundation provided in this Act and shall obtain authorization from the Commission within two months.

(2) Upon obtaining authorization pursuant to paragraph (1), the Incorporated Foundation shall effect the registration of the Safety Foundation under this Act without delay.

Article 3 (Transitional Measures concerning Incorporated Foundation)

(1) Where the Incorporated Foundation has effected the registration of the Safety Foundation, it shall be deemed to have been dissolved notwithstanding the provisions of the Civil Act concerning the dissolution and liquidation of a corporation.

(2) The property, rights and obligations managed by the Incorporated Foundation at the time this Act enters into force shall be inclusively inherited by the Safety Foundation.

(3) The title of the Incorporated Foundation indicated in the register of property, rights and obligations inherited under paragraph (2) and other official books shall be deemed to belong to the title of the Safety Foundation.

(4) Acts done by or against the Incorporated Foundation before the founding of the Safety Foundation in connection with the property inherited under paragraph (2) shall be deemed to be acts done by or against the Safety Foundation.

(5) When the Safety Foundation is incorporated, its executive officers and employees existing at the time of incorporation thereof shall be deemed to have been assigned or appointed as the executive officers and employees of the Safety Foundation. In such cases, the term of office of the executive officers shall be the remainder of the term of office prescribed in the articles of incorporation of the former Incorporated Foundation.

Article 4 (Transitional Measures concerning Designation as Public Institution)

Designation of the Incorporated Foundation by the Minister of Strategy and Finance as a public institution under the Act on Management of Public Institutions at the time this Act enters into force shall be deemed to be the designation of the Safety Foundation under this Act.

Article 5 (Transitional Measures concerning Alteration of Criteria for Permits and Licenses)

A person who has obtained a construction permit for and an operating license of any radioactive waste disposal facilities pursuant to the former provisions at the time this Act enters into force shall obtain a permit and a license pursuant to Article 63 (1) within two years of the date of enforcement of this Act after satisfying the criteria for permits and licenses as provided in the amended provisions of Article 64.

ADDENDUM <Act No. 14839, Jul. 26, 2017>
(Government Organization Act)

Article 1 (Enforcement Date)

① This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended in accordance with Article 5 of the ADDENDUM, the amendments to the Acts, which were promulgated before this Act enters into force, but the enforcement dates of which have yet to arrive, shall enter into force on the enforcement dates of the respective Acts.

Article 2 through Article 4 Omitted.

Article 5 (Amendments to Other Acts)

① through <339> Omitted.

<340> The Nuclear Safety Act shall be partially amended as follows:

“Minister of Science, ICT and Future Planning” in Article 35 (4) shall be amended as “Minister of Science and ICT.”

<341> through <382> Omitted.

Article 6 Omitted.

ADDENDUM <Act No. 14958, Oct. 24, 2017>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 15281, Dec. 19, 2017>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 15749, Aug. 14, 2018>

Nuclear Safety Laws of the Republic of Korea

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 16575, Aug. 27, 2019>

This Act shall enter into force on January 1, 2020.

ADDENDUM <Act No. 17359, Jun. 9, 2020>

(Act on partial amendment of the seven laws for the improvement of the disqualification provisions for ward)

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 17640, Dec. 8, 2020>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 17755, Dec. 22, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Violations of Technical Standards)

The previous Article 119 (1) 2 shall apply where a person violates the previous Article 68 (1) before this Act enters into force.

ADDENDUM <Act No. 18145, Apr. 20, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, that the amended provisions of Article 14 and 85 shall enter into force one year after the date of its promulgation.

Article 2 (Applicability to Owner's duty for safety actions)

The amended provisions of Article 59-2 (3) 1 shall apply from the case where a safe working environment under Article 59-2 (1) has not been provided since the enforcement of this Act.

ADDENDUM <Act No. 18238, Jun. 8, 2021>
(Act on Physical Protection and Radiological Emergency)

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Amendments to Other Acts)

- ① Omitted.
- ② The Nuclear Safety Act shall be partially amended as follows:
“Expenses collected pursuant to Article 45 (2)” in Article 111-4 (1) 2 shall be amended as “Dues under Article 45-2 and late-payment penalties under Article 45-3 of the same Act.”

ADDENDUM <Act No. 18394, Aug. 10, 2021>

This Act shall enter into force six months after the date of its promulgation.