

# NUCLEAR SAFETY ACT

Act No. 10911, Jul. 25, 2011

Amended by Act No. 11715, Mar. 23, 2013

Act No. 12666, May 21, 2014

Act No. 13078, Jan. 20, 2015

## Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning safety management in the research, development, production, use, etc. of nuclear energy, in order to ensure the prevention of disasters resulting from radiation and to contribute to public safety. *<Amended by Act No. 12666, May 21, 2014>*

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 12666, May 21, 2014; Act No. 13078, Jan. 20, 2015>*

1. The term "nuclear energy" means any type of energy released from an atomic nucleus in the course of transformation of the atomic nucleus;
2. The term "nuclear materials" means nuclear fuel materials and nuclear raw materials;
3. The term "nuclear fuel materials" means materials prescribed by Presidential Decree capable of producing nuclear energy, such as uranium and thorium;
4. The term "nuclear raw materials" means uranium ore, thorium ore, and other materials prescribed by Presidential Decree, used as raw materials for nuclear fuel materials;
5. The term "radioactive materials" means nuclear fuel materials, spent nuclear fuel, radioisotopes, and nuclear fission products;
6. The term "radioactive isotopes" means isotopes which emit radiation and their compounds prescribed by Presidential Decree;
7. The term "radiation" means electromagnetic waves or particle beams prescribed by Presidential Decree capable of directly or indirectly ionizing air;
8. The term "nuclear reactors" means the apparatus in which nuclear fuel materials are used as fuels: Provided, That excluded herefrom shall be those prescribed by Presidential Decree;
9. The term "radiation generating device" means equipment prescribed by Presidential Decree which generates radiation by means of accelerating charged particles;
10. The term "relevant facilities" means facilities prescribed by Presidential Decree in relation to the safety of nuclear reactors;

11. The term "refining" means physical or chemical processing of nuclear raw materials in order to increase the ratio of uranium or thorium contained in nuclear raw materials;
12. The term "conversion" means chemical processing of nuclear fuel materials to convert nuclear fuel materials into forms suitable for fabrication;
13. The term "fabrication" means physical or chemical processing to convert nuclear fuel materials into forms usable as fuel for a reactor;
14. The term "spent nuclear fuel processing" means processing of nuclear fuel materials used as fuel in a reactor or other nuclear fuel materials subjected to nuclear fission reaction for the purpose of research or experimentation, or separation thereof into nuclear fuel materials and other constituents by physical or chemical processing;
15. The term "nuclear fuel cycle business" means business related to refining, conversion, fabrication, or spent nuclear fuel processing;
16. The term "radiation controlled area" means an area in which the external radiation dose and rate, the concentration of radioactive materials in the air, or the degree of surface contamination of materials polluted by radioactive materials risk exceeding the limit determined by Rules of the Nuclear Safety and Security Commission, and in which public access must be restricted for the safety management of radiation, and measures are required to protect accessing people for the prevention of radiation damage;
17. The term "internationally controlled materials" means materials prescribed by Ordinance of the Prime Minister, subject to security measures in accordance with the treaty relating to research, development, and utilization of nuclear energy and other international agreements (hereinafter referred to as "international treaties");
18. The term "radioactive wastes" means radioactive materials or other materials contaminated by such radioactive materials (hereinafter referred to as "radioactive materials, etc.") subject to disposal (including spent nuclear fuels determined to be disposed of under Article 35 (4));
19. The term "radiation exposure dose" means the dose of radiation to which the exterior or interior of human body is exposed: Provided, That excluded herefrom shall be the radiation dose to which the human body is exposed for medical treatment and the dose of natural radiation not artificially increased. In such cases, kinds of, and applicable standards for radiation dose shall be determined and published by the Nuclear Safety and Security Commission;
20. The term "nuclear energy utilization facilities" means facilities prescribed by Presidential Decree, related to the research, development, production, and utilization of nuclear energy (hereinafter referred to as "nuclear energy utilization");
21. The term "radiation worker" means persons engaged in the affairs involving exposure or risk of exposure to radiation while working on operation, utilization, or preservation of the nuclear energy utilization facilities, or on usage, processing, accumulation, conservation, processing, discharge, disposal, transport, control, or decontamination of radioactive materials, etc.;

22. The term “safety-related installations” means structures, systems, and equipment determined by the Rules of the Nuclear Safety and Security Commission as important for safety among nuclear reactors and relevant facilities, with safety ratings allocated, as prescribed by the Rules of the Nuclear Safety and Security Commission;

23. The term “radiographic testing” means non-destructive testing using radiation among non-destructive testing defined in Article 2 of the Act on the Promotion and Management of Non-Destructive Testing Technology;

24. The term "decommissioning" means all activities done by a person who has obtained a license under Article 20 (1), Article 30-2 (1), or a person has obtained a license or has been designated under Article 35 (1) and (2) to be exempt from the application of this Act by demolishing facilities and sites, or by removing radioactive contamination after permanently suspending the operation of facilities licensed or designated this Act (hereinafter referred to as "permanent suspension").

### **Article 3 (Formulation of Comprehensive Plan for Nuclear Safety and Security)**

(1) The Nuclear Safety and Security Commission established pursuant to Article 3 of the Act on the Establishment and Operation of the Nuclear Safety and Security Commission (hereinafter referred to as the "Commission") shall formulate a comprehensive plan for nuclear safety and security (hereinafter referred to as "comprehensive plan") in the utilization and safety control of nuclear energy (hereinafter referred to as "nuclear safety management") every five years.

(2) The comprehensive plan shall include the following:

1. Current status of and prospects for nuclear safety management;
2. Policy objectives and basic direction of nuclear safety management;
3. Tasks by sector and implementation thereof;
4. Investment for the required financial resources and raising such financial resources;
5. Other matters necessary for nuclear safety management.

(3) When the Commission intends to formulate the comprehensive plan, it shall consult in advance with the heads of relevant Ministries and agencies. The same shall also apply to any alteration of the formulated comprehensive plan.

(4) The formulation and alteration of the comprehensive plan shall be determined through the deliberation and resolution by the Commission: Provided, That the same shall not apply to the alteration of matters prescribed as insignificant by Presidential Decree.

(5) If deemed necessary for formulation of the comprehensive plan, the Commission may request the heads of relevant institutions to submit materials necessary for the formulation of the comprehensive plan.

### **Article 4 (Implementation of Comprehensive Plan)**

(1) The Commission shall notify the heads of relevant Ministries and agencies of the settled comprehensive plan pursuant to the provisions of Article 3 (4), and the Commission and the heads of relevant Ministries and agencies shall formulate every five years the action plan by sector concerning the matters under their control, according to the comprehensive plan, and shall formulate and implement an

annual detailed business promotion plan according to the action plan by sector.

(2) When the Commission and the heads of relevant Ministries and agencies formulate the action plan by sector pursuant to the provisions of paragraph (1), they shall, if necessary, determine the action plan by sector in consultation with the heads of other relevant Ministries and agencies, and the heads of relevant Ministries and agencies shall notify the Commission thereof.

#### **Article 5 (Institution Specialized in Nuclear Safety and Security)**

(1) Institutions specialized in nuclear safety and security may be established under the supervision of the Commission to professionally carry out functions concerning nuclear safety management.

(2) Matters concerning the establishment and operation of institutions specialized in nuclear safety and security referred to in paragraph (1) shall be prescribed by separate Acts.

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

(1) The Korea Institute of Nuclear Nonproliferation and Control (hereinafter referred to as "KINAC") shall be established in order to take steps to ensure the safeguard of nuclear energy facilities and nuclear materials, etc. and to efficiently perform the work of controlling the import and export, etc. thereof (hereinafter referred to as the "nuclear control").

(2) KINAC shall be a juristic person.

(3) KINAC shall be established by effecting registration of its establishment in a place where its principal office is located.

(4) When KINAC intends to amend its articles of incorporation, it shall obtain the authorization thereon from the Commission.

(5) KINAC shall have an executive board consisting of not more than 11 directors, including one chief director and one president, and one auditor, who are selected and appointed by the board of directors as prescribed by the articles of incorporation, and the selection and appointment thereof shall be approved by the Commission.

(6) The board of directors mandated to deliberate and resolve on important matters of KINAC shall be established in KINAC.

(7) The President shall represent KINAC, administer the general affairs of KINAC, and direct and supervise employees belonging thereto.

(8) The Government may contribute expenses needed to establish and operate KINAC within budgetary limits.

(9) Except as otherwise provided in this Act, the provisions of the Civil Act which pertain to incorporated foundations shall apply mutatis mutandis to KINAC.

#### **Article 7 (Activities of KINAC)**

KINAC shall perform the following activities:

1. Affairs relating to the facilities, equipment, technology, research and development activities related to the nuclear energy, and safeguard measures for the nuclear materials, which are entrusted by the Commission pursuant to the provisions of Article 111 (1);

2. Affairs relating to the control of import and export of internationally regulated materials, such as nuclear materials, etc., entrusted by the Commission pursuant to the provisions of Article 111 (1);
3. Affairs relating to the physical protection, entrusted by the Commission pursuant to the provisions of Article 45 (1) of the Act on Measures for the Protection of Nuclear Facilities, etc. and Prevention of Radiation Disasters;
4. Research and development of the technology on nuclear control;
5. Support for the international cooperation aimed at nuclear control;
6. Education for the nuclear control;
7. Other matters necessary to perform the affairs of nuclear control.

#### **Article 8 (Investigation of Actual Situations)**

(1) In order to efficiently promote the policy of nuclear safety and security, the Commission shall conduct an investigation on the actual situations of nuclear safety and security. In such cases, the Commission may have the institutions or organizations prescribed by Presidential Decree conduct such investigation on actual situations.

(2) If deemed necessary for the investigation on actual conditions as prescribed in paragraph (1), the Commission may request any nuclear energy-related enterprise, educational institution, research institute, or other nuclear energy-related organization to submit materials or to state opinions.

#### **Article 9 (Promotion, etc. of Research and Development Projects for Nuclear Safety and Security)**

(1) The Commission shall formulate plans for nuclear energy research and development projects according to the settled action plan by sector pursuant to the provisions of Article 4 (1), and, for the efficient promotion thereof, may select the research tasks each year and have the following institutions or organizations perform the research by entering into agreements therewith:

1. An institution established pursuant to Article 5;
2. KINAC;
3. An institution or organization referred to in the subparagraphs of Article 14 (1) of the Basic Research Promotion and Technology Development Support Act.

(2) Expenses to be incurred to perform research and development projects for nuclear safety and security under paragraph (1) shall be covered through the following funding:

1. Government contributions;
2. Nuclear Energy Research and Development Fund referred to in Article 17 of the Nuclear Energy Promotion Act;
3. Residuals accrued in the course of implementing the research and development projects for nuclear safety and security and other revenues.

(3) Matters necessary for the performance of the research and development projects for nuclear safety and security referred to in paragraph (1) and the expense management referred to in paragraph (2) shall be prescribed by Presidential Decree.

## **Article 10 (Construction Permits)**

(1) Any person who intends to construct a nuclear power reactor and relevant facilities shall obtain a permit from the Commission, as prescribed by Presidential Decree. The same shall apply to any alteration of any term or condition of the permit: Provided, That the alteration of any insignificant matter prescribed by Ordinance of the Prime Minister shall be reported. *<Amended by Act No. 11715, Mar. 23, 2013>*

(2) Any person who intends to obtain a permit under paragraph (1) shall file with the Commission, an application for a permit, accompanied by a radiological environmental impact assessment report, a preliminary safety analysis report, a construction quality assurance plan, a plan to decommission a nuclear power reactor and relevant facilities, and other documents prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>*

(3) When a person who intends to construct a nuclear power reactor and relevant facilities applies for prior approval of the site before filing an application for a construction permit, the Commission may grant approval after review.

(4) Any person who has obtained prior approval of the site pursuant to paragraph (3) may execute the construction works to the extent prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

(5) Any person who intends to obtain prior approval of the site pursuant to paragraph (3) shall file an application therefor with the Commission, accompanied by an environmental report, a site investigation report, and other documents prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

(6) When a person who intends to construct a nuclear power reactor and relevant facilities intends to construct a building as defined in Article 2 (1) 2 of the Building Act after obtaining prior approval of the site pursuant to paragraph (3), he/she shall be deemed to have obtained a building permit under Article 11 of the aforesaid Act as at the time he/she submits the basic design drawings referred to in Article 11 (3) of the aforesaid Act to the head of the relevant administrative agency.

## **Article 11 (Criteria for Permits)**

Criteria for permits referred to in Article 10 (1) shall be as follows: *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>*

1. The applicant shall have technical capabilities prescribed by Ordinance of the Prime Minister, as necessary for constructing a nuclear power reactor and relevant facilities;
2. The location, structures, and equipment of a nuclear power reactor and relevant facilities shall meet the technical criteria prescribed by Rules of the Nuclear Safety and Security Commission (hereinafter referred to as "Rules of the Commission") so as not to impede the protection of health, physical objects, and the general public from radiation damage caused by radioactive material, etc.;
3. The applicant shall meet criteria prescribed by Presidential Decree to protect public health and the environment from disasters caused by radioactive materials, etc. generated by the construction of nuclear power reactors and relevant facilities shall be satisfied;

4. The details of the construction quality assurance plan submitted by the applicant under Article 10 (2) shall meet requirements prescribed by the Rules of the Commission;
5. The details of the decommissioning plan submitted by the applicant under Article 10 (2) shall meet the requirements prescribed by the Rules of the Commission.

#### **Article 12 (Standard Design Approval)**

- (1) Any person intending to repeatedly construct the nuclear power reactor and relevant facilities of the same design may obtain approval for such design (hereinafter referred to as "standard design") from the Commission as prescribed by Presidential Decree. The same shall also apply to the alteration of the authorized matters: Provided, That the alteration of matters prescribed as insignificant by Ordinance of the Prime Minister shall be reported. *<Amended by Act No. 11715, Mar. 23, 2013>*
- (2) Any person intending to obtain the approval referred to in paragraph (1) shall file an application for the approval with the Commission attached with a design control document and other documents prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*
- (3) The validity of the approval as referred to in paragraph (1) shall be ten years, and the Commission may, if deemed that there is a significant impact on the safety of the design, order the person who has been granted the approval for the standard design to correct or supplement the authorized matters, even during the term of validity.
- (4) Notwithstanding the provisions of paragraph (3), when an application is filed for the permit to construct a nuclear reactor and install relevant facilities by applying the standard design that is in the valid period of the standard design approval, the approval for standard design for the nuclear reactor and the relevant facilities shall be deemed valid and effective till the operation thereof is permitted.
- (5) Criteria for the approval referred to in paragraph (1) shall be as follows:
  1. The location, structure, equipment and performance of the nuclear power reactor and relevant facilities shall conform to the technical criteria prescribed by Rules of the Commission in order to prevent radioactive materials, etc. from causing disasters to human bodies, material objects and the public;
  2. Criteria prescribed by Presidential Decree to protect people's health and the environment from disasters caused by radioactive materials, etc. generated by the construction and operation of the nuclear power reactor and relevant facilities shall be satisfied.
- (6) The Commission may exclude the matters prescribed by Presidential Decree, such as matters requiring continuous reflection of new technologies from the standard design.
- (7) When the approval referred to in paragraph (1) is granted, the matters for which approval is granted in advance pursuant to the provisions of paragraph (1) may not be stated in the application documents for permit as referred to in Articles 10 (2) and 20 (2).
- (8) The provisions of Article 14 shall apply mutatis mutandis to the approval for the standard design and approval for alteration referred to in paragraph (1). In such cases, "permit referred to in Article 10 (1)" in the main sentence of Article 14 and "since the permit is cancelled pursuant to the provisions of Article 17"

in subparagraph 3 of Article 14 shall be construed as "approval referred to in Article 12 (1)" and "after the approval is cancelled pursuant to the provisions of Article 13," respectively.

#### **Article 13 (Cancellation of Standard Design Approval)**

When a person who has obtained approval pursuant to Article 12 (1) falls under any of the following circumstances, the Commission may cancel such approval: Provided, That the Commission must cancel such approval when subparagraph 1 or 4 applies to the person: <Amended by Act No. 12666, May 21, 2014>

1. Where he/she has obtained the approval by fraudulent or other illegal means;
2. Where he/she has altered any matter which requires approval for alteration under the latter part of Article 12 (1), without obtaining approval therefor;
3. Where he/she has violated an order issued under Article 12 (3);
4. Where he/she has fallen under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis pursuant to Article 12 (8): Provided, That the same shall not apply where the relevant executive is replaced within three months from the day he/she has fallen under any of said circumstances.

#### **Article 14 (Grounds for Disqualification)**

None of the following persons is eligible to obtain a construction permit under Article 10 (1): <Amended by Act No. 12666, May 21, 2014>

1. An incompetent under adult guardianship, a quasi-incompetent under limited guardianship, or a person declared bankrupt who has not been reinstated;
2. A person who has been sentenced to imprisonment without prison labor or heavier punishment for a violation this Act and for whom two years have not yet elapsed since the execution of such punishment was completed or non-execution thereof was finally decided, or who is now under the suspension of the execution of punishment;
3. A person for whom two years have not yet elapsed after the permit was cancelled pursuant to Article 17;
4. A corporation with an executive falling under any of subparagraphs 1 through 3.

#### **Article 15 (Regulations for Metrical Control)**

(1) Any person who has obtained permit pursuant to the provisions of Article 10 (1) (hereinafter referred to as "installer of nuclear power reactor") shall make regulations for metrical control of the nuclear materials among the internationally controlled materials (hereinafter referred to as "special nuclear materials") as prescribed by Presidential Decree, and obtain the approval of the Commission, before starting to use the special nuclear materials. The same shall also apply to any proposed alteration thereof: Provided, That the alteration of matters prescribed as insignificant by Ordinance of the Prime Minister shall be reported. <Amended by Act No. 11715, Mar. 23, 2013>

(2) Where the regulations for metrical control under paragraph (1) are deemed insufficient to ensure proper metrical control of the special nuclear materials, the Commission may order the supplementation for the insufficiency thereof.

### **Article 15-2 (Reporting on Contracts for Safety-Related Installations)**

If a person who has filed an application for permit pursuant to Article 10 (2) or the installer of a nuclear power reactor concludes a contract for any of the following (including any subcontract made by the contractor) regarding safety-related installations, he/she shall report such fact to the Commission within 30 days from the day the contract is concluded, as prescribed by Ordinance of the Prime Minister. The same shall also apply to the alteration of any reported matters:

1. Design of safety-related installations (including construction-related design);
2. Manufacture of safety-related installations;
3. Performance testing for safety-related installations.

### **Article 15-3 (Reporting on Nonconformities)**

If any of the following persons finds that any elements of a safety-related installation does not conform to the criteria for permit under Articles 11 and 21, he/she shall report such fact to the Commission, as determined and published by the Commission:

1. A person who has filed an application for permit pursuant to Article 10 (2);
2. A nuclear power reactor installer;
3. A designer or manufacturer (hereinafter referred to as “supplier”) of the safety-related installation under Article 15-2;
4. An entity that conducts the performance testing of the safety-related installation under Article 15-2 (hereinafter referred to as “performance testing institute”).

### **Article 15-4 (Designation, etc. of Performance Test Management Institutions)**

(1) The Commission may designate institutions to manage performance testing institutes (hereinafter referred to as “performance test management institutions”) from among the institutions to which its authority may be entrusted pursuant to Article 111, to ensure efficient management of such performance testing institutes.

(2) Each performance test management institution shall investigate the operating status, etc. of performance testing institutes and report the findings from such investigation to the Commission.

(3) The Commission may investigate the operating conditions of performance test management institutions and order them to make corrections if deemed necessary as a result of such investigation, and cancel the designation of a performance test management institution if it falls under any of the following:

Provided, That when the Commission must cancel designation if subparagraph 1 is applicable:

1. Where it has obtained designation by fraudulent or other illegal means;
2. Where it no longer meets the criteria for designation prescribed by Presidential Decree;
3. Where it fails to comply with a corrective order.

(4) Matters necessary for the criteria for designation, scope of work (including the work of performance testing institute accreditation), etc. of performance test management institutions shall be prescribed by Presidential Decree.

(5) Any entity that seeks to be designated as a performance test management institution pursuant to paragraph (1) shall prepare an application and other accompanying documents prescribed by Ordinance of the Prime Minister and submit them to the Commission.

(6) The Commission may grant performance test management institutions contributions or subsidies to cover expenses incurred by them in performing their work.

#### **Article 16 (Inspections)**

(1) Every installer of a nuclear power reactor, every supplier or performance testing institute shall undergo an inspection conducted by the Commission regarding the construction of the nuclear power reactor and relevant facilities, and the metrical control of the special nuclear materials, as prescribed by Presidential Decree. *<Amended by Act No. 12666, May 21, 2014>*

(2) Where the results of an inspection conducted under paragraph (1) fall under either of the following circumstances, the Commission may order the relevant installer of the nuclear power reactor or the supplier or performance testing institute to take a corrective or supplementary measure: *<Amended by Act No. 12666, May 21, 2014>*

1. Where he/she has failed to meet any of the standards for the permit provided under Article 11;
2. Where he/she has failed to observe as stated in the documents submitted to accompany his/her application for the permit under Article 10 (2) and the regulations for metrical control under sArticle 15.

#### **Article 17 (Cancellation, etc. of Construction Permits)**

(1) When any of the following applies to an installer of a nuclear power reactor, the Commission may cancel the installer's permit or order the suspension of construction works for a fixed period not exceeding one year: Provided, That the Commission must cancel the permit when subparagraph 1 or 5 applies: *<Amended by Act No. 12666, May 21, 2014>*

1. Where he/she has obtained the permit by fraudulent or other illegal means;
  2. Where he/she has failed to commence the permitted construction works within the period prescribed by Presidential Decree or where he/she has suspended the construction works for at least one consecutive year without justifiable grounds;
  3. Where he/she has altered any matter subject to permission for alteration pursuant to the latter part of Article 10 (1) without obtaining permission;
  4. Where he/she has failed to meet any of the standards for the permit referred to in Article 11;
  5. Where he/she has fallen under any of subparagraph 1, 2, or 4 of Article 14: Provided, That the same shall not apply where an executive of a corporation who has fallen under said cause is replaced within three months;
  6. Where he/she has violated any of the orders issued under Article 16 (2) or 98 (1) and (3);
  7. Where he/she has violated Article 15 (1), 94, or 96;
  8. Where he/she has violated any condition of the permit imposed under Article 99.
- (2) When the Commission intends to order the suspension of construction works pursuant to paragraph (1), if such measure is likely to cause a substantial inconvenience to the users, etc. of the relevant project,

or to be detrimental to the public interest, the Commission may impose a penalty surcharge not exceeding five billion won, in lieu of the suspension of such construction works. <Amended by Act No. 12666, May 21, 2014>

(3) The criteria for suspension of construction works under paragraph (1) and the criteria for imposition of penalty surcharges under paragraph (2) shall be prescribed by Presidential Decree. <Amended by Act No. 12666, May 21, 2014>

(4) When a person liable to pay a penalty surcharge under paragraph (2) fails to pay it by the payment deadline, the Commission shall collect it in the same manner as delinquent national taxes are collected, or suspend his/her construction works under paragraph (1) after cancelling the imposition of the penalty surcharge under paragraph (2). <Amended by Act No. 12666, May 21, 2014>

#### **Article 18 (Recording and Keeping)**

The installer of a nuclear power reactor shall make records of matters concerning the construction of the nuclear power reactor and relevant facilities and keep such records at each construction site or place of business, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

#### **Article 19 (Succession)**

When the installer of a nuclear power reactor transfers his/her business or dies, or if a merger of juristic persons takes place, the transferee, successor or the juristic person surviving the merger or a juristic person established by such merger shall succeed the status of the installer of the nuclear power reactor. In such cases, when the successor falls under any of subparagraphs 1 through 3 of Article 14, he/she shall transfer his/her business to another person within three months.

#### **Article 20 (Operating Licenses)**

(1) Any person who intends to operate a nuclear power reactor and relevant facilities shall obtain a license from the Commission, as prescribed by Presidential Decree. The same shall also apply to any alteration of any term or condition of the license: Provided, That the alteration of any insignificant matter prescribed by Ordinance of the Prime Minister shall be reported. <Amended by Act No. 11715, Mar. 23, 2013>

(2) Any person who intends to obtain a license under paragraph (1) shall file an application for a license with the Commission, accompanied by technical guidelines for operation of a nuclear power reactor and relevant facilities, a final safety analysis report, a quality assurance plan in respect to the operation thereof, a radiological environmental impact assessment report (applicable only to the part different from the radiological environmental impact assessment report submitted pursuant to Article 10 (2)), a plan to decommission a nuclear power reactor and relevant facilities (applicable only to the part different from the decommissioning plan submitted pursuant to Article 10 (2)), and other documents prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>

(3) Article 14 shall apply mutatis mutandis to operating licenses and licenses for alteration referred to in paragraph (1). In such cases, "Article 17" referred to in subparagraph 3 of Article 14 shall be construed as "Article 24."

## **Article 21 (Criteria for Licenses)**

(1) Criteria for the license referred to in Article 20 (1) shall be as follows: *<Amended by Act No. 13078, Jan. 20, 2015>*

1. The applicant shall have technical capabilities prescribed by the Rules of the Commission, as necessary to operate a nuclear power reactor and relevant facilities;
2. Performance of a nuclear power reactor and relevant facilities shall meet the technical criteria prescribed by the Rules of the Commission so as not to impede the protection of health, physical objects, and the general public from radiation damage caused by radioactive material, etc.;
3. The applicant shall meet the criteria prescribed by Presidential Decree to protect public health and the environment from radioactive material-related risks, etc. generated by the operation of a nuclear power reactor and relevant facilities;
4. The details of the quality assurance plan submitted by the applicant under Article 20 (2) shall meet the requirements prescribed by the Rules of the Commission;
5. The details of the decommissioning plan submitted by the applicant under Article 20 (2) shall meet the requirements prescribed by the Rules of the Commission.

(2) An operator of a nuclear power reactor and relevant facilities shall obtain alteration to his/her license pursuant to Article 20 (1) to permanently suspend the operation of the nuclear power reactor and relevant facilities. In such case, some of the criteria for licenses provided for in the subparagraphs of paragraph (1) can be waived in any of the following circumstances: *<Newly Inserted by Act No. 13078, Jan. 20, 2015>*

1. Where the nuclear power reactor and relevant facilities is permanently suspended, making it impracticable to fully apply the criteria for licenses provided for in paragraph (1), without modification;
2. Where safety is not compromised even if the criteria for licenses provided for in paragraph (1) are not observed based upon the purpose of permanent suspension.

## **Article 22 (Inspections)**

(1) Every person who has obtained a license pursuant to Article 20 (1) (hereinafter referred to as “operator of a nuclear power reactor”) or every supplier or performance testing institute shall undergo an inspection conducted by the Commission regarding the operation of the nuclear power reactor and relevant facilities, and the metrical control of the special nuclear materials, as prescribed by Presidential Decree. *<Amended by Act No. 12666, May 21, 2014>*

(2) Where the results of an inspection conducted under paragraph (1) fall under any of the following cases, the Commission may order the relevant operator of the nuclear power reactor or the supplier or performance testing institute to take a corrective or supplementary measure: *<Amended by Act No. 12666, May 21, 2014>*

1. Where he/she has failed to meet any of the standards for the license referred to in Article 21 or the measures taken pursuant to Article 26 (1) are insufficient;
2. Where he/she has failed to observe as stated in the documents submitted to accompany his/her application under Article 20 (2), or the regulations for metrical control under Article 15, which is

applied mutatis mutandis in Article 29.

### **Article 23 (Periodic Safety Reviews)**

(1) Every operator of a nuclear power reactor shall periodically review the safety thereof and relevant facilities, as prescribed by Presidential Decree, and submit the findings thereof to the Commission: Provided, That matters necessary for the periodic safety review of nuclear power reactors and relevant facilities permanently suspended upon obtaining alteration to his/her license pursuant to Article 21 (2) shall be prescribed by Presidential Decree. <Amended by Act No. 13078, Jan. 20, 2015>

(2) When the results of a periodic safety review conducted under paragraph (1) or subsequent safety measures are deemed insufficient, the Commission may order the operator of the relevant nuclear power reactor to correct or supplement such defects.

(3) Methods of conducting periodic safety reviews under paragraph (1) and the details of such reviews, and other necessary matters, shall be prescribed by Presidential Decree.

### **Article 24 (Cancellation, etc. of Operating Licenses)**

(1) When the operator of a nuclear power reactor falls under any of the following circumstances, the Commission may cancel the relevant license or order the suspension of operation for a fixed period not exceeding one year: Provided, That the Commission must cancel the relevant license when subparagraph 1 or 4 is applicable: <Amended by Act No. 12666, May 21, 2014>

1. Where he/she has obtained a license by fraudulent or other illegal means;
2. Where he/she has failed to commence the licensed operation within the period prescribed by Presidential Decree or where he/she has suspended the operation for at least one consecutive year without justifiable grounds;
3. Where he/she has altered any matters subject to the license pursuant to the provisions of the latter part of Article 20 (1) without obtaining the license;
4. Where he/she falls under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis pursuant to the provisions of Article 20 (3): Provided, That the same shall not apply where an executive of a corporation who has fallen under said cause is replaced within three months;
5. Where he/she has failed to meet the standards for the license referred to in Article 21;
6. Where he/she has violated any of the orders issued under Article 22 (2), 23 (2), 27, 92 (2) or 98 (1) and (3);
7. Where he/she has violated Article 15 (1), which are applied mutatis mutandis pursuant to Article 29;
8. Where he/she has violated any provision of Article 26, 70, 89 (5), 94, 96 or 106 (1);
9. Where he/she has violated a condition of license imposed under Article 99.

(2) Article 17 (2) through (4) shall apply mutatis mutandis where an order for suspension of operation is to be issued pursuant to paragraph (1).

### **Article 25 (Recording and Keeping)**

The operator of a nuclear power reactor shall make records of matters concerning the operation of the nuclear power reactor and relevant facilities and keep such records at each operation site or place of

business, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

**Article 26 (Operational Safety Measures, etc.)**

(1) Every operator of a nuclear power reactor shall take measures necessary in the course of operating the nuclear power reactor and relevant facilities, to ensure the safety of health, physical materials, and the general public, as prescribed by Presidential Decree.

(2) Every operator of a nuclear power reactor and his/her employees shall observe the technical guidelines for operation referred to in Article 20 (2).

(3) Every operator of a nuclear power reactor shall assign to each nuclear reaction pursuant to Article 84, at least one licensed senior nuclear reactor operator, and one licensed nuclear reactor operator, to be engaged in the ordinary operation of such nuclear reactor.

(4) Every operator of a nuclear power reactor shall assign at least one licensed senior nuclear fuel material handler, and one licensed senior radiation handler as prescribed in Article 84, to be engaged in the safety management of nuclear materials and radiation in the nuclear reactor and relevant facilities.

(5) Every operator of a nuclear power reaction that has obtained alteration to his/her license for permanent suspension pursuant to Article 21 (2) may be partially exempt from paragraphs (1) through (4), if the Commission deems that any of the following applies: <Newly Inserted by Act No. 13078, Jan. 20, 2015>

1. Where the nuclear power reactor and relevant facilities are permanently suspended, making it impracticable to fully apply the criteria for licenses provided for in paragraph (1), without modification;
2. Where safety is not compromised even if the criteria for licenses provided for in paragraph (1) are not observed based upon the purpose of permanent suspension.

**Article 27 (Measures such as Suspension of Use, etc. of Nuclear Power Reactor and Relevant Facilities)**

When the performance of a nuclear power reactor and relevant facilities are deemed to be not in conformity with technical criteria as referred to in subparagraph 2 of Article 21, or where measures taken pursuant to Article 26 (1) are deemed insufficient, the Commission may order the operator of the relevant nuclear power reactor to suspend the use of, remodel, repair or transfer the nuclear power reactor and relevant facilities, designate operating methods, change technical guidelines for operation referred to in Article 20 (2), remove contamination or take other necessary measures for safety.

**Article 28 (Decommissioning of Nuclear Power Reactors and Relevant Facilities)**

(1) The operator of a nuclear power reactor shall obtain approval from the Commission, as prescribed by Presidential Decree, to decommission the nuclear power reactor and relevant facilities. 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 person who intends to obtain approval under paragraph (1) shall file an application for approval with the Commission, accompanied by a plan to decommission the nuclear power reactor and relevant facilities and the documents prescribed by Ordinance of the Prime Minister.

(3) The operator of a nuclear power reactor shall report on the status of decommissioning of the nuclear power reactor and relevant facilities, to the Commission, as prescribed by Ordinance of the Prime Minister. In such cases, the Commission shall verify and examine the status of decommissioning of the nuclear power reactor and relevant facilities.

(4) The operator of a nuclear power reactor report to the Commission, as prescribed by Ordinance of the Prime Minister, upon completing decommissioning of a nuclear power reactor and relevant facilities.

(5) Each person who intends to report pursuant to paragraph (4) shall submit a decommissioning completion report and documents prescribed by Ordinance of the Prime Minister to the Commission.

(6) Where decommissioning of a nuclear power reactor and relevant facilities is completed, the Commission shall conduct an inspection, as prescribed by Ordinance of the Prime Minister.

(7) Where the operator of a nuclear power reactor fails to conduct decommissioning in accordance with a decommissioning plan or the decommissioning is found to be incomplete, contrary to the relevant decommissioning completion report as a result of verification or examination under paragraph (3) or inspection under paragraph (6), the Commission may issue an order for correction or supplementation.

(8) Upon completing an inspection under paragraph (6), the Commission shall give written notice to the operator of a nuclear power reactor and relevant facilities that his/her license to operate the nuclear power reactor and relevant facilities granted under Article 20 (1), has been terminated.

(9) Where the Commission gives written notice under paragraph (8) to the operator of a nuclear power reactor, it may impose conditions regarding the reuse of the site after completion of decommissioning the nuclear power reactor and relevant facilities, if necessary for preventing disasters due to radiation and for public safety.

**Article 29 (Application Mutatis Mutandis)**

@Articles 15, 15-2, 15-3 and 19 shall apply mutatis mutandis to approval for and succession to the business of, and reporting on contracts for safety-related installations and reporting on nonconformities by, the operator of a nuclear power reactor. In such cases, "installer of a nuclear power reactor" shall be construed as "operator of a nuclear power reactor". *<Amended by Act No. 12666, May 21, 2014>*

**Article 30 (Permits for Construction of Research Reactors, etc.)**

(1) Any person who intends to construct a nuclear reactor and relevant facilities for research or educational purposes shall obtain a permit from the Commission, based on the type of reactor he/she intends to construct, as prescribed by Presidential Decree. The same shall also apply to any alteration of any term or condition of the permit: Provided, That the alteration of any minor matter prescribed by Ordinance of the Prime Minister shall be reported. *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 12666, May 21, 2014>*

(2) Any person who intends to obtain a permit pursuant to paragraph (1) shall file an application with the Commission, accompanied by a radiological environmental impact assessment report, a preliminary safety analysis report, a construction quality assurance plan, a plan to decommission a research or educational nuclear reactor, and other documents prescribed by Ordinance of the Prime Minister, based on the type of

permit he/she intends to obtain. <Amended by Act No. 11715, Mar. 23, 2013; Act No. 12666, May 21, 2014; Act No. 13078, Jan. 20, 2015>

(3) Articles 11 and 14 shall apply mutatis mutandis to permits and altered permits under paragraph (1). In such cases, "Article 17" referred to in subparagraph 3 of Article 14 shall be construed as "Article 32". <Amended by Act No. 12666, May 21, 2014>

#### **Article 30-2 (Licenses to Operate Research Reactors, etc.)**

(1) Any person who intends to operate a nuclear reactor and relevant facilities for research or educational purposes shall obtain a license from the Commission, based on the type of reactor he/she intends to operate, as prescribed by Presidential Decree. The same shall also apply to any alteration of any term or condition of the license: Provided, That he/she shall file a report to alter any minor matter prescribed by Ordinance of the Prime Minister.

(2) Any person who intends to obtain a license pursuant to paragraph (1) shall submit an application with the Commission, accompanied by technical guidelines for operation, a final safety analysis report, a quality assurance plan on operation, a radiological environmental impact assessment report (applicable only to the part different from the radiological environmental impact assessment report submitted pursuant to Article 30 (2)), a decommissioning plan for a research or educational nuclear reactor (applicable only to the part different from the radiological environmental impact assessment report submitted pursuant to Article 30 (2)), and other documents prescribed by Ordinance of the Prime Minister, based on the type of license he/she intends to obtain. <Amended by Act No. 13078, Jan. 20, 2015>

(3) Articles 14 and 21 shall apply mutatis mutandis to licenses and altered licenses under paragraph (1). In such cases, "Article 17" referred to in subparagraph 3 of Article 14 shall be construed as "Article 32".

#### **Article 31 (Notification, etc. of Entry and Departure of Foreign Nuclear-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 nuclear-powered ship") intends to make his/her ship enter or leave a port in the Republic of Korea, he/she shall report to the Commission thereon in advance as prescribed by Presidential Decree:

1. A person who is not a national of the Republic of Korea;
2. A person who is not a corporation or organization established in accordance with Acts and subordinate statutes of the Republic of Korea.

(2) Upon receipt of the report pursuant to the provisions of paragraph (1), and if deemed necessary, the Commission shall notify the Minister of Oceans and Fisheries of the measures to be taken by a foreign nuclear-powered ship operator in order to prevent disasters caused by nuclear reactors, or radioactive materials, etc. as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

(3) Where the Minister of Oceans and Fisheries has received the report referred to in paragraph (2), he/she shall order the operator of a foreign nuclear-powered ship to take necessary measures in order to prevent disasters caused by a nuclear reactor, radioactive materials, etc. according to the details of the report, and direct the head of the regional maritime affairs and port office to properly regulate the operation of such

nuclear-powered ship. <Amended by Act No. 11715, Mar. 23, 2013>

### **Article 32 (Cancellation, etc, of Construction Permits, Operating Licenses, etc.)**

(1) When a person who has obtained a permit under Article 30 (1) (hereinafter referred to as “installer of a research reactor, etc.”) or a person who has obtained a license under Article 30-2 (1) (hereinafter referred to as “operator of a research reactor, etc.”) falls under any of the following circumstances, the Commission may cancel the relevant permit or license or order the suspension of business for a fixed period not exceeding one year: Provided, That the Commission must cancel the relevant permit or license when subparagraph 1 or 4 applies: <Amended by Act No. 12666, May 21, 2014>

1. Where he/she has obtained the permit or license by fraudulent or other illegal means;
2. Where he/she has failed to commence the permitted or licensed business within the period prescribed by Presidential Decree or where he/she has suspended the business for at least one consecutive year without justifiable grounds;
3. Where he/she has failed to meet any of the criteria for the permit or license referred to in Article 11 or 21 which is applied mutatis mutandis pursuant to Article 30 (3) or 30-2 (3);
4. Where he/she falls under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis pursuant to Article 30 (3) or 30-2 (3): Provided, That the same shall not apply where an executive of a corporation who has fallen under the said cause is replaced within three months;
5. Where he/she has altered any matter subject to the permit or license under the latter part of Article 30 (1) or the latter part of Article 30-2 (1) without obtaining such permit or license;
6. Where he/she has violated Article 15 (1) which is applied mutatis mutandis pursuant to Article 34, or Article 26;
7. Where he/she has violated any of the orders issued under Article 16 (2) or 22 (2) which is applied mutatis mutandis pursuant to Article 34, or Article 27;
8. Where he/she has violated any of the orders issued under Article 31 (3), 92 (2), or 98 (1) and (3);
9. Where he/she has violated any provision of Article 70, 89 (5), 94, 96, or 106 (1);
10. Where he/she has violated any term or condition of the permit or license imposed under Article 99;
11. Where he/she has violated any order issued under Article 23 (2) which is applied mutatis mutandis pursuant to Article 34 (1).

(2) Article 17 (2) through (4) shall apply mutatis mutandis where the Commission shall order the suspension of business pursuant to paragraph (1). <Newly Inserted by Act No. 12666, May 21, 2014>

### **Article 33 (Reporting on Suspension, Discontinuation, etc. of Business)**

When the installer or operator of a research reactor, etc. has fully or partially suspended or discontinued his/her business, or has resumed his/her suspended business, he/she shall report to the Commission thereon within 30 days from the date of such suspension, discontinuation or resumption of the business.

<Amended by Act No. 12666, May 21, 2014>

### **Article 34 (Application Mutatis Mutandis)**

(1) Articles 15, 15-2, 15-3, 16, 18, 19, 22, 23 and 25 through 28 shall apply mutatis mutandis to various kinds of duties, etc. of the installers and operators of research reactors, etc. <Amended by Act No. 12666, May 21, 2014>

(2) For purposes of paragraph (1), “installer of a nuclear power reactor” shall be construed as “installer of a research reactor, etc.”, and “operator of a nuclear power reactor” as “operator of a research reactor, etc.”, respectively. <Amended by Act No. 12666, May 21, 2014>

#### **Article 35 (Licenses, etc. for Nuclear Fuel Cycle Business)**

(1) Any person who intends to operate a business refining or fabricating nuclear raw materials or nuclear fuel materials (including a business converting such materials) shall obtain a license from the Commission, as prescribed by Presidential Decree. The same shall also apply to any alteration of any term or conditions of the license: Provided, That the alteration of any insignificant matter prescribed by Ordinance of the Prime Minister shall be reported. <Amended by Act No. 11715, Mar. 23, 2013>

(2) Any person who intends to operate a spent nuclear fuel processing business shall have his/her business designated by the competent Minister, as prescribed by Presidential Decree, and the competent Minister shall consult with the Commission when granting such designation. He/she shall obtain a license from the competent Minister to alter any term or condition of such designation: Provided, That the alteration of any insignificant matter prescribed by Ordinance of the Prime Minister shall be reported. <Amended by Act No. 11715, Mar. 23, 2013>

(3) Any person who intends to obtain a license under paragraph (1), and any person who intends to obtain designation under paragraph (2), shall file an application for such license or designation, respectively, with the Commission and the competent Minister, accompanied by a radiological environmental impact assessment report, safety management regulations, description of design and construction methods, a quality assurance plan to operate the business, a decommissioning plan for relevant facilities, and other documents prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>

(4) The Minister of Science, ICT and Future Planning and the Minister of Trade, Industry and Energy shall consult the Commission and the heads of relevant Ministries and agencies on matters necessary for processing or disposal of spent nuclear fuel; and shall determine such matters following deliberation and resolution thereon by the Nuclear Energy Promotion Commission established under Article 3 of the Nuclear Energy Promotion Act. <Amended by Act No. 11715, Mar. 23, 2013>

(5) Article 14 shall apply mutatis mutandis to cases falling under paragraphs (1) and (2). In such cases, "Article 17" referred to in subparagraph 3 of Article 14 shall be construed as "Article 38."

#### **Article 36 (Criteria for Licenses, etc.)**

(1) Criteria for licenses or designation under Article 35 (1) and (2) shall be as follows: <Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>

1. The applicant shall have technical capabilities prescribed by Ordinance of the Prime Minister, as necessary to operate the relevant business;

2. The location, structure, equipment, and performance of nuclear fuel cycle facilities shall meet the technical criteria prescribed by the Rules of the Commission so as not to impede the protection of health, physical objects, and the general public from radiation damage caused by radioactive material, etc.;

3. The applicant shall meet the criteria prescribed by Presidential Decree to protect public health and the environment from disasters caused by radioactive materials, etc. generated by the construction of nuclear fuel cycle facilities;

4. The details of the decommissioning plan submitted by the applicant under Article 35 (3) shall meet the requirements prescribed by the Rules of the Commission.

(2) Every nuclear fuel cycle business operator shall obtain alteration to his/her license pursuant to Article 35 (1) to permanently suspend the operation of the relevant nuclear fuel cycle facility. In such case, some of the criteria for licenses and designation provided for in the subparagraphs of paragraph (1) can be waived in any of the following circumstances: <Newly Inserted by Act No. 13078, Jan. 20, 2015>

1. Where the nuclear fuel cycle facility is permanently suspended, making it impracticable to fully apply the criteria for licenses provided for in paragraph (1), without modification;

2. Where safety is not compromised even if the criteria for licenses provided for in paragraph (1) are not observed based upon the purpose of permanent suspension.

#### **Article 37 (Inspections)**

(1) Every person who has obtained a license or designation pursuant to Article 35 (1) and (2) (hereinafter referred to as "nuclear fuel cycle business operator") shall undergo an inspection conducted by the Commission regarding the installation and operation of the nuclear fuel cycle facilities, and the metrical control of the special nuclear materials, as prescribed by Presidential Decree.

(2) Where the results of an inspection conducted under paragraph (1) fall under either of the following circumstances, the Commission may order the relevant nuclear fuel cycle business operator to take a corrective or supplementary measure:

1. Where he/she has failed to meet any of the criteria for the license or designation as prescribed in Article 36, or where safety measures as referred to in Article 40 (1) are insufficient;

2. Where he/she has failed to observe as stated in the documents submitted to accompany his/her application for license or designation under Article 35 (3) or the regulations for metrical control under Article 15, which is applied mutatis mutandis in Article 44.

#### **Article 38 (Cancellation, etc. of Licenses, etc.)**

(1) When a nuclear fuel cycle business operator falls under any of the following circumstances, the Commission may cancel the relevant license and the competent Minister may cancel the relevant designation, or they may order him/her to suspend his/her business for a fixed period not exceeding one year: Provided, That the Commission must cancel the relevant license and the competent Minister must cancel the relevant designation when subparagraph 1 or 4 applied: <Amended by Act No. 12666, May 21, 2014>

1. Where he/she has obtained the license or designation by fraudulent or other illegal means;
  2. Where he/she has failed to commence the permitted or designated business within the period prescribed by Presidential Decree or has suspended such business for at least one consecutive year without any justifiable reasons;
  3. Where he/she has altered any matter subject to the license or the approval pursuant to the latter part of paragraph (1) or the latter part of paragraph (2) of Article 35 without obtaining the license or the authorization therefor;
  4. Where he/she falls under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis pursuant to Article 35 (5): Provided, That the same shall not apply where an executive of a corporation who has fallen under said cause is replaced within three months;
  5. Where he/she has failed to meet any of the criteria for the license or designation as referred to in Article 36;
  6. Where he/she has violated any of the orders issued under Article 37 (2), 41, 92 (2) or 98 (1) and (3);
  7. Where he/she has violated any of Article 40 (1) or (2), 70, 89 (5), 94, 96 or 106 (1);
  8. Where he/she has violated any of Article 15 (1), which is applied mutatis mutandis pursuant to Article 44;
  9. Where he/she has violated any term or condition of the license or designation issued under Article 99.
- (2) Article 17 (2) through (4) shall apply mutatis mutandis to where an order for suspension of business must be issued pursuant to paragraph (1).

#### **Article 39 (Recording and Keeping)**

Each nuclear fuel cycle business operator shall make records of matters concerning the construction and operation of nuclear fuel cycle facilities and keep such records at each factory or place of business, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 40 (Operational Safety Measures, etc.)**

(1) Every nuclear fuel cycle business operator shall take safety measures in the course of operating the relevant facilities, to protect health and physical objects and to ensure public safety, as prescribed by Presidential Decree.

(2) Every nuclear fuel cycle business operator and his/her employees shall observe safety management regulations referred to in Article 35 (3).

(3) Where a nuclear fuel cycle business operator obtains alteration to his/her license to permanently suspend his/her nuclear fuel cycle facility pursuant to Article 36 (2), either of paragraphs (1) and (2) can be waived, if the Commission deems any of following subparagraphs applies: *<Newly Inserted by Act No. 13078, Jan. 20, 2015>*

1. Where the nuclear fuel cycle facility is permanently suspended, making it impracticable to fully apply paragraphs (1) and (2), without modifications;
2. Where safety is not compromised technically even if no safety measure referred to in paragraphs (1) and (2) is taken based upon the purpose of permanent suspension.

#### **Article 41 (Measures for Suspension of Use, etc. of Nuclear Fuel Cycle Facilities)**

When the Commission recognizes that the safety measures as referred to in Article 40 are insufficient, it may order a nuclear fuel cycle business operator to suspend the use of the facilities, or to remodel, repair, relocate such facilities, or to take other measures necessary for the safety including designation of the methods for relocation.

#### **Article 42 (Decommissioning of Nuclear Fuel Cycle Facilities)**

(1) Every nuclear fuel cycle business operator shall obtain approval from the Commission, as prescribed by Presidential Decree, to decommission a nuclear fuel cycle facility. 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. <Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>

(2) A person who intends to obtain approval under paragraph (1) shall file an application for approval with the Commission, accompanied by a plan to decommission the relevant nuclear fuel cycle facility, and the documents prescribed by Ordinance of the Prime Minister. <Amended by Act No. 13078, Jan. 20, 2015>

(3) and (4) Deleted. <by Act No. 13078, Jan. 20, 2015>

#### **Article 43 (Reporting on Commencement of Business, etc.)**

Each nuclear fuel cycle business operator shall, when commencing, suspending or discontinuing his/her business or resuming his/her suspended business, report to the Commission thereon within 30 days from the date of such commencement, suspension, discontinuation or resumption of his/her business.

#### **Article 44 (Provisions to be Applied Mutatis Mutandis)**

@Articles 15, 19 and 28 (3) through (9) shall apply mutatis mutandis to approval for and succession to the business affairs of nuclear fuel cycle business operators, decommissioning of nuclear fuel cycle facilities, etc. In such cases, "installer of a nuclear power reactor" or "operator of a nuclear power reactor" shall be construed "nuclear fuel cycle business operator." <Amended by Act No. 13078, Jan. 20, 2015>

#### **Article 45 (License for Use, etc. of Nuclear Fuel Materials)**

(1) Except the following persons, any person intending to use or possess nuclear fuel materials shall obtain a license from the Commission therefor, as prescribed by Presidential Decree. The same shall also apply to any alteration of permitted matters: Provided, That the alteration of any minor matters prescribed by Ordinance of the Prime Minister shall be reported: <Amended by Act No. 11715, Mar. 23, 2013; Act No. 12666, May 21, 2014>

1. Where the installer of a nuclear power reactor, the operator of a nuclear power reactor, the installer of a research reactor, etc. or the operator of a research reactor, etc. uses nuclear fuel materials for the business for which he/she has obtained a license therefor;
2. Where a nuclear fuel cycle business operator uses nuclear fuel materials for the licensed or designated business;
3. Where he/she uses nuclear fuel materials of the kind and quantity prescribed by Presidential Decree is used.

(2) Any person intending to obtain a license under paragraph (1) shall submit an application for the license to the Commission, with the safety management regulations and other documents prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

(3) Article 14 shall apply mutatis mutandis to the license referred to in paragraph (1). In such cases, "Article 17" in subparagraph 3 of Article 14 shall be construed as "Article 48."

#### **Article 46 (Criteria for License)**

Criteria for the license referred to in Article 45 (1) shall be as follows: <Amended by Act No. 11715, Mar. 23, 2013>

1. The applicant shall have technical capabilities prescribed by Ordinance of the Prime Minister, as necessary for using or possessing nuclear fuel materials;
2. Location, structure and installation of facilities for utilization, distribution, storage, temporal storage, processing, and discharge (hereinafter referred to as "facilities for utilization, etc.") shall meet the technical criteria prescribed by the Rules of the Commission so as not to impede the protection of health, physical objects, and the general public from damage caused by radioactive materials, etc.;
3. The applicant shall meet criteria prescribed by Presidential Decree to protect public health and the environment from dangers caused by radioactive materials, etc. generated by the use or possession of nuclear fuel materials;
4. The applicant shall have equipment and human resources prescribed by Presidential Decree.

#### **Article 47 (Inspections)**

(1) Every person who has obtained a license under Article 45 (1) (hereinafter referred to as "nuclear fuel material user") shall undergo an inspection conducted by the Commission regarding the use or possession of nuclear fuel materials and the metrical control of special nuclear materials, as prescribed by Presidential Decree.

(2) When the results of an inspection conducted under paragraph (1) fall under either of the following circumstances, the Commission may order the nuclear fuel material user to take a corrective or supplementary measure:

1. Where he/she has failed to meet any of the criteria for the license as referred to in Article 46, and the technical criteria as referred to in Article 50 (1);
2. Where he/she has failed to observe as stated in the documents submitted to accompany his/her application for license under Article 45 (2) or the regulations on metrical control under Article 15, which is applied mutatis mutandis in Article 51.

#### **Article 48 (Cancellation, etc. of License for Use or Possession)**

(1) When a nuclear fuel material user falls under any of the following circumstances, the Commission may cancel the relevant license or order him/her to suspend his/her operation for a fixed period not exceeding one year: Provided, That the Commission must cancel the relevant license when subparagraph 1 or 3 is applicable: <Amended by Act No. 12666, May 21, 2014>

1. Where he/she has obtained the license by fraudulent or other illegal means;
2. Where he/she has altered any matters subject to license pursuant to the latter part of Article 45 (1) without obtaining the license;
3. Where he/she has fallen under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis pursuant to Article 45 (3): Provided, That the same shall not apply where an executive of a corporation who has fallen under said cause is replaced within three months;
4. Where he/she has failed to meet the criteria for the license under Article 46;
5. Where he/she has violated Article 15 (1) which are applied mutatis mutandis pursuant to Article 50 (3) or 51;
6. Where he/she has violated any of the orders issued under Article 47 (2), 50 (2), 92 (2) or 98 (1) and (3);
7. Where he/she has violated Article 70, 94, 96 or 106 (1);
8. Where he/she has violated the conditions of license imposed under Article 99.

(2) When it is required to order the suspension of operation pursuant to paragraph (1), the Commission may impose a penalty surcharge not exceeding 500 million won in lieu of the suspension of operation.

*<Newly Inserted by Act No. 12666, May 21, 2014>*

(3) The criteria for suspension of operation under paragraph (1) and the criteria for imposition of penalty surcharges under paragraph (2) shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 12666, May 21, 2014>*

(4) If a person liable to pay a penalty surcharge under paragraph (2) fails to pay it by the payment deadline, the Commission shall collect it in the same manner as delinquent national taxes are collected, or suspend his/her operation under paragraph (1) after cancelling the imposition of the penalty surcharge under paragraph (2). *<Newly Inserted by Act No. 12666, May 21, 2014>*

#### **Article 49 (Recording and Keeping)**

Each nuclear fuel material user shall make records of matters concerning the use or possession of nuclear fuel materials and keep such records at each factory or place of business, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 50 (Obligation to Observe Criteria, etc.)**

(1) Each nuclear fuel material user shall observe the technical criteria prescribed by Rules of the Commission in respect to the following matters:

1. Use, distribution, storage, transportation, temporal storage, processing and discharge of nuclear fuel materials or other materials contaminated thereby in places of business;
2. Facilities for the use, etc. of nuclear fuel materials or other materials contaminated thereby.

(2) When the Commission recognizes that the use, distribution, storage, transportation, temporal storage, processing or discharge of nuclear fuel materials or other materials contaminated thereby in the relevant places of business fail to conform to the technical criteria as referred to in paragraph (1), it may order the nuclear fuel material user to repair, renovate, relocate the relevant facilities, or suspend the usage thereof,

alter the methods of handling such materials or take other necessary measures for safety.

(3) The user of nuclear fuel materials and his/her employees shall observe the safety management regulations as referred to in Article 45 (2).

#### **Article 51 (Mutatis Mutandis Application)**

The provisions of Articles 15, 19 and 43 shall apply mutatis mutandis to approval for, succession to and reporting on the business of nuclear fuel material users. In such cases, "installer of nuclear power reactor" or "nuclear fuel cycle business operator" shall be construed as "nuclear fuel material user."

#### **Article 52 (Reporting on Use, etc. of Nuclear Raw Materials)**

(1) Except in any of the following cases, any person intending to use nuclear raw materials shall report to the Commission thereon, as prescribed by Presidential Decree. The same shall apply to any alteration of reported matters: *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 12666, May 21, 2014>*

1. Where the installer of a nuclear power reactor, the operator of a nuclear power reactor, the installer of a research reactor, etc., the operator of a research reactor, etc. or a nuclear fuel cycle business operator uses nuclear raw materials for his/her permitted, licensed or designated business;
2. Where nuclear raw materials of the kind and quantity prescribed by Ordinance of the Prime Minister are used.

(2) Any person who has filed a report pursuant to paragraph (1) (hereinafter referred to as "nuclear raw material user") shall use nuclear raw materials according to the technical criteria prescribed by Rules of the Commission.

(3) When the use of nuclear raw materials fails to conform to the technical criteria prescribed under paragraph (2), the Commission may order the relevant nuclear raw material user to take corrective or supplementary measures to conform to such criteria.

(4) Each nuclear raw material user shall make records of matters concerning the use of nuclear raw materials and keep such records at each factory or place of business, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

(5) With respect to the grounds for disqualification of nuclear raw material users, Article 14 shall apply mutatis mutandis. In such cases, "No person ..... shall receive a construction permit under Article 10 (1)" in the part other than the subparagraphs of Article 14 shall be construed as "No person ..... shall make a report under Article 52 (1)", "after the permit was cancelled pursuant to the provisions of Article 17" in subparagraph 3 of Article 14 as "after the use of nuclear raw materials was prohibited pursuant to the provisions of Article 52 (6)", and "with an executive" in subparagraph 4 of Article 14 as "with the representative", respectively. *<Newly Inserted by Act No. 12666, May 21, 2014>*

(6) When a nuclear raw material user falls under any of the following, the Commission may prohibit him/her from using nuclear raw materials for a fixed period not exceeding one year: *<Newly Inserted by Act No. 12666, May 21, 2014>*

1. Where he/she has filed a report by fraudulent or other illegal means;

2. Where he/she has altered any matters subject to reporting without filing the report under the latter part of paragraph (1);
3. Where he/she has fallen under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis pursuant to paragraph (5): Provided, That the same shall not apply where the representative of a corporation who has fallen under said ground is replaced within three months;
4. Where he/she has violated any order issued under paragraph (3) of this Article or Article 92 (2) or 98 (1) or (3);
5. Where he/she has violated Article 106 (1).

(7) Article 48 (2) through (4) shall apply mutatis mutandis to where it is required to prohibit the use of nuclear raw materials under paragraph (6). <Newly Inserted by Act No. 12666, May 21, 2014>

(8) For purposes of paragraph (7), "suspension of operation" shall be construed as "prohibition of use". <Newly Inserted by Act No. 12666, May 21, 2014>

### **Article 53 (License, etc. for Use, etc. of Radioisotope and Radiation Generating Device)**

(1) Any person intending to produce, sell, use (including possession and handling: hereinafter the same shall apply) or make a mobile-use of radioisotopes or radiation generating devices (hereinafter referred to as "radioisotopes, etc.") shall obtain a license from the Commission therefor as prescribed by Presidential Decree. The same shall also apply to any proposed alteration of licensed matters: Provided, That a change of place for temporary use and any proposed alteration of other matters prescribed as insignificant by Ordinance of the Prime Minister shall be reported. <Amended by Act No. 11715, Mar. 23, 2013>

(2) Notwithstanding the provisions of paragraph (1), any person intending to make use or make a mobile-use of the sealed radioisotope for the purpose, or the quantity of which is smaller than what is, prescribed by Ordinance of the Prime Minister, or a radiation generating device for the purpose, or the quantity of which is smaller than what is, prescribed by Ordinance of the Prime Minister, shall report to the Commission thereon as prescribed by Presidential Decree. The same shall also apply to any proposed alteration of reported matters. <Amended by Act No. 11715, Mar. 23, 2013>

(3) Any person intending to obtain the license in paragraph (1) shall submit an application for the license to the Commission, attached with a safety analysis report, quality assurance plan, radiation safety report, safety management regulations, and other documents prescribed by Ordinance of the Prime Minister, and any person intending to file a report as referred to in paragraph (2) shall submit a report to the Commission, attached with documents prescribed by Ordinance of the Prime Minister: Provided, That the submission of the safety analysis report and the quality assurance plan shall be limited to those who intend to obtain the license for production. <Amended by Act No. 11715, Mar. 23, 2013>

(4) The provisions of Article 14 shall apply mutatis mutandis to the grounds for disqualification of a person who has been granted a license pursuant to the provisions of paragraph (1) (hereinafter referred to as "licensed user") and a person who has reported pursuant to the provisions of paragraph (2) (hereinafter referred to as "reported user"). In such cases, "shall not obtain construction permit as referred to in Article 10 (1)" in the main sentence of Article 14, "after the permit was cancelled pursuant to Article 17" in

subparagraph 3 of the same Article and "executive" in subparagraph 4 of the same Article shall each be construed as "shall not obtain the license or report under Article 53 (1) and (2)," "after the license was cancelled or use was prohibited pursuant to Article 57," and "representative".

#### **Article 53-2 (Radiation Safety Managers)**

(1) Any licensed user and any reported user shall each appoint a radiation safety manager to perform the following duties concerning radiation safety management, as prescribed by Presidential Decree, and report such appointment to the Commission before commencing the use of radioisotopes, etc. The same shall also apply to any alteration of reported matters:

1. Inspecting whether the safety management regulations under Article 53 (3) and the technical criteria under Article 59 (1) are complied with;
2. Measures to prevent radiation damage under Article 91 for radiation workers or other persons having access to radiation controlled areas;
3. Recommendations to licensed users and reported users to take measures for radiation safety management;
4. Other measures necessary for radiation safety management.

(2) If a radiation safety manager neglects any of his/her duties referred to in paragraph (1), the Commission may require the relevant licensed user or reported user to dismiss the radiation safety manager from office.

(3) Upon receipt of the demand for dismissal under paragraph (2), a licensed user or a reported user shall immediately dismiss the radiation safety manager and appoint a new radiation safety manager unless any justifiable ground exists and shall file reports on such dismissal and appointment with the Commission by no later than 30 days after such dismissal.

(4) Neither a licensed user nor a reported user shall appoint any person dismissed under paragraph (3) as a radiation safety manager within one year of his/her dismissal.

(5) Any licensed user, any reported user, any radiation worker, and any person having access to a radiation controlled area shall comply with the radiation safety manager's measures and recommendations for radiation safety management.

(6) Matters necessary for qualification requirements, etc. for radiation safety managers shall be prescribed by Presidential Decree.

#### **Article 54 (Registration of Business Agent)**

(1) Any person intending to conduct any of the following duties on behalf of any licensed user or reported user shall register with the Commission: *<Amended by Act No. 11715, Mar. 23, 2013>*

1. Removal of radioactive contamination;
2. Collection, processing and transportation of radioisotopes and radioactive waste;
3. Preparation of a safety report on radiation and safety management regulations;
4. Supervision on the installment of facilities for use, etc.;

5. Radiation safety management;

6. Other duties related to the safety management of radiation and prevention from disasters prescribed by Ordinance of the Prime Minister.

(2) When a person who has registered pursuant to paragraph (1) (hereinafter referred to as "business agent") intends to alter any registered matters, he/she shall report to the Commission thereon.

(3) Any person intending to register pursuant to paragraph (1) shall submit an application therefor to the Commission, attached with business agency regulations and other documents prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

(4) The provisions of Article 14 shall apply mutatis mutandis to the grounds for disqualification of registration under paragraph (1). In such cases, "shall not obtain construction permit under Article 10 (1)" in the main sentence of Article 14, "after the permit was cancelled pursuant to Article 17" in subparagraph 3 of the same Article and "executive" in subparagraph 4 of the same Article shall each be construed as "shall not make a registration under Article 54 (1)," "after the registration was cancelled pursuant to Article 57," and "representative".

#### **Article 55 (Criteria for Licenses, etc.)**

(1) Criteria for licenses referred to in Article 53 (1) shall be as follows:

1. Location, structure and installation of facilities for production and facilities for use, etc. shall meet the technical criteria prescribed by the Rules of the Commission;
2. The radiation exposed dose generated by radioisotopes, the contaminated materials thereby or radiation generating devices shall not exceed the dose limit prescribed by Presidential Decree;
3. The performance of radioisotopes, etc. to produce and the details of the quality assurance plan thereof shall meet with the criteria determined and published by the Commission;
4. The applicant shall have equipment and human resources prescribed by Presidential Decree.

(2) Criteria for registration referred to in Article 54 (1) shall be as follows: *<Amended by Act No. 11715, Mar. 23, 2013>*

1. The applicant shall have the technical capabilities prescribed by Ordinance of the Prime Minister as necessary to conduct the duties of the agency;
2. The applicant shall have the equipment and human resources prescribed by Presidential Decree;
3. The scope of duties of the agency and agency regulations shall comply with the criteria prescribed by Ordinance of the Prime Minister.

#### **Article 56 (Inspection)**

(1) Each licensed user and business agent shall have the production, sale, use and mobile-use of radioactive isotopes, etc. and duties of the agency inspected by the Commission as prescribed by Presidential Decree: Provided, That the same shall not apply where an inspection is exempted as prescribed by Presidential Decree.

(2) When the results of the inspection as prescribed in paragraph (1) fall under either of the following circumstances, the Commission may order the licensed user or business agent to take corrective or

supplementary measures:

1. Where he/she has failed to meet the criteria for the license as referred to in Article 55 (1) or the criteria for the registration as referred to in Article 55 (2);
2. Where he/she has violated the safety management regulations as referred to in Article 53 (3) or the agency business regulations under Article 54 (3).

**Article 57 (Cancellation, etc. of Licenses, etc. for Production, Sale, Use or Mobile-Use)**

(1) When a licensed user, reported user or business agent falls under any of the following circumstances, the Commission may cancel the relevant license or registration, or order the suspension of business or prohibition of use (limited to reported users) for a fixed period not exceeding one year: Provided, That the Commission must cancel the relevant license or registration when subparagraph 1 or 4 is applicable:

*<Amended by Act No. 12666, May 21, 2014>*

1. Where he/she has obtained the license, filed a report or registered his/her business by fraudulent or other illegal means;
2. Where he/she has failed to commence the licensed use or business within the period prescribed by Presidential Decree or has suspended the business continuously for at least one consecutive year without justifiable grounds;
3. Where he/she has altered any licensed, reported, or registered matter without obtaining the license for alteration or filing a report on alteration pursuant to the latter parts of paragraphs (1) and (2) of Article 53, or Article 54 (2);
4. Where he/she falls under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis in Articles 53 (4) and 54 (4): Provided, That the same shall not apply where the representative of a corporation who has fallen under said cause is replaced within three months;
5. Where he/she has failed to meet the criteria for license or registration under Article 55;
6. Where he/she has violated any of the orders issued under Article 56 (2), 59 (2), 92 (2) or 98 (1) and (3);
7. Where he/she has violated Article 59 (3), 70, 94, 96 or 106 (1);
8. Where he/she has violated the condition of license imposed under Article 99.

(2) Where the Commission shall order the suspension of business or prohibition of use pursuant to paragraph (1), it may impose a penalty surcharge not exceeding 500 million won in lieu of the suspension of business or prohibition of use. *<Amended by Act No. 12666, May 21, 2014>*

(3) The criteria for the suspension of business or prohibition of use under paragraph (1) and the criteria for imposition of penalty surcharges under paragraph (2) shall be prescribed by Presidential Decree. *<Amended by Act No. 12666, May 21, 2014>*

(4) When a person liable to pay a penalty surcharge under paragraph (2) fails to pay it by the payment deadline, the Commission shall collect it in the same manner as delinquent national taxes are collected, or suspend his/her business or prohibit his/her use under paragraph (1) after cancelling the imposition of the penalty surcharge under paragraph (2). *<Amended by Act No. 12666, May 21, 2014>*

### **Article 58 (Recording and Keeping)**

Each licensed user, reported user and business agent shall record matters concerning the production, use, mobile-use, distribution, storage, transportation, temporal storage, processing, discharge and sale of radioisotopes, etc., or matters concerning agency business, etc., and shall keep such recorded matters at each factory or place of business, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

### **Article 59 (Obligation to Observe Criteria, etc.)**

(1) Each licensed user and reported user shall observe the technical criteria prescribed by Rules of the Commission in respect to the following matters:

1. Location, structure and installation of facilities for production, and facilities for use, etc. of radioisotopes or other materials contaminated thereby, or radiation generating devices;
2. Production, use, distribution, storage, transportation, temporal storage, processing, and discharge of radioisotopes or materials contaminated thereby, or radiation generating devices within a business place;
3. Mobile-use and sale of radioisotopes, etc.

(2) When the Commission recognizes that the location, structure and installation of facilities for production or facilities for use, etc. of radioisotopes or other materials contaminated thereby, or radiation generating devices within the business place, or the production, use, distribution, storage, transportation, processing, and discharge thereof within the business place, and mobile-use or sale of radioisotopes, etc. fail to conform to the technical criteria as referred to in paragraph (1), it may order the licensed user or reported user to repair, renovate, relocate the relevant facilities, to suspend production or using such facilities, to alter the methods of handling such facilities, or to take other necessary safety measures.

(3) Each licensed user and his/her employees shall observe the safety management regulations as referred to in Article 53 (3), and each business agent and his/her employees shall observe the agency business regulations as referred to in Article 54 (3).

### **Article 59-2 (Client's Obligation to Take Safety Measures)**

(1) With respect to the mobile-use of radioisotopes, etc. under Article 53 to conduct radiographic testing, the person who has asked for radiographic testing (hereinafter referred to as "client") shall be liable to provide a safe work environment, as prescribed by the Rules of the Commission, so that radiation workers making the mobile-use of radioisotopes, etc. in his/her place of business can avoid excessive radiation exposure.

(2) The Commission may direct the client to install or complement the following safety installations:

1. An exclusive workplace available for measures to prevent radiation damage under Article 91;
2. Shielding facilities or barriers for radiation protection.

(3) When the client fails to carry out any order issued by the Commission for installation or complement of safety installations under paragraph (2), thereby posing a threat to the safety of radiation workers, the Commission may direct him/her to suspend the radiographic testing, as prescribed by the Rules of the

Commission.

(4) No radiographic testing shall be conducted in any workplace if it is subject to suspension of work under paragraph (3).

(5) Measures to be taken, and procedures, methods and other necessary matters to be followed, by clients and licensed users or reported users for resumption of work at workplaces subject to suspension of work under paragraph (3) shall be prescribed by Presidential Decree.

(6) Every client shall report a daily amount of work carried out by radiation workers to the Commission in order to create a safe work environment. In such cases, the particulars to be reported, the methods and procedures for reporting and other necessary matters shall be prescribed by the Rules of the Commission.

(7) When a radiation safety manager requests a client to take measures or provide cooperation necessary to safely conduct radiographic testing in making a mobile-use of radioisotopes, etc., the client shall comply with such request.

(8) Matters necessary for detailed criteria, etc. for safety installations under paragraph (2) shall be prescribed by the Rules of the Commission.

#### **Article 60 (Approval for Design, etc. of Radiation Generating Devices, etc.)**

(1) Any person intending to manufacture radiation generating devices or devices containing radioisotopes (hereinafter referred to as "radiation equipment") or to import the radiation equipment manufactured in foreign countries shall obtain approval from the Commission therefor as prescribed by Presidential Decree. The same shall also apply to any proposed alterations thereof: Provided, That any proposed alteration of matters prescribed as insignificant by Ordinance of the Prime Minister shall be reported to the Commission. *<Amended by Act No. 11715, Mar. 23, 2013>*

(2) Any person intending to obtain approval as referred to in paragraph (1) shall file an application for such approval, attached with the design data of the radiation equipment, safety evaluation data, quality assurance plan concerning such manufacturing and other documents prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 61 (Inspection)**

(1) Any person who has obtained approval pursuant to Article 60 (1) shall have manufactured or imported radiation equipment inspected by the Commission as prescribed by Presidential Decree: Provided, That the same shall not apply where such inspection is exempted as prescribed by Presidential Decree.

(2) Each licensed user and reported user shall use the radiation equipment which has passed the inspection as referred to in paragraph (1).

#### **Article 62 (Mutatis Mutandis Application)**

The provisions of Articles 19 and 43 shall apply mutatis mutandis to succession to or reporting on the business of licensed users, reported users and business agents. In such cases, "installer of nuclear power reactor" or "nuclear fuel cycle business operator" shall be construed as "licensed user, reported user and business agent."

### **Article 63 (Permits for Construction and Operation of Radioactive Wastes Management Facilities, etc.)**

(1) Any person who intends to construct and operate facilities to store, process, and dispose of radioactive waste and supplementary facilities (hereinafter referred to as "radioactive wastes management facilities, etc.") shall obtain a permit from the Commission, as prescribed by Presidential Decree. The same shall also apply to any alteration of any term or condition of the permit: Provided, That any alteration of any insignificant matter prescribed by Ordinance of the Prime Minister shall be reported. *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>*

(2) Any person who intends to obtain a permit pursuant to paragraph (1) shall file an application, with the Commission, accompanied by an environmental report, a safety analysis report, safety management regulations, descriptions of design and construction methods, a quality assurance plan on construction and operation, and other documents prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

(3) Article 14 shall apply mutatis mutandis to the grounds for disqualification from permits and altered permits under paragraph (1). In such cases, "Article 17" referred to in subparagraph 3 of Article 14 shall be construed as "Article 66."

### **Article 64 (Criteria for Permits)**

Criteria for permits referred to in Article 63 (1) shall be as follows: *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>*

1. The applicant shall have technical capabilities prescribed by Ordinance of the Prime Minister, as necessary to construct and operate radioactive wastes management facilities, etc.;
2. The location, structure, equipment, and performance of radioactive waste management facilities, etc. shall meet the technical criteria prescribed by the Rules of the Commission, so as not to impede the protection of healthy, physical objects, and the general public from radiation damage caused by radioactive material, etc.;
3. The applicant shall meet the criteria prescribed by Presidential Decree to protect public health and the environment from disasters caused by radioactive materials, etc. generated in the course of constructing and operating radioactive wastes management facilities, etc.;
4. The applicant shall have equipment and human resources prescribed by Presidential Decree.

### **Article 65 (Inspections)**

(1) Every person who has obtained a permit to construct and operate radioactive wastes management facilities, etc. pursuant to Article 63 (1) (hereinafter referred to as "constructor and operator of radioactive wastes management facilities, etc.") shall undergo inspections conducted by the Commission regarding the installation and operation of radioactive wastes management facilities, etc., the storage, processing, and disposal of radioactive wastes, and the metrical control of special nuclear materials, as prescribed by Presidential Decree. *<Amended by Act No. 13078, Jan. 20, 2015>*

(2) When a constructor and operator of radioactive wastes management facilities, etc. falls under any of following circumstances as a result of the inspection under paragraph (1), the Commission may order him/her to take corrective or supplementary measures: <Amended by Act No. 13078, Jan. 20, 2015>

1. Where he/she has failed to meet any of the criteria for permits provided for in Article 64, or the technical standards determined under Article 68 (1);
2. Where he/she has failed to observe any of the provisions stipulated in the documents accompanying his/her application for permits submitted Article 63 (2) or has violated any of the regulations for metrical control established under Article 15, which are applied mutatis mutandis under Article 69.

**Article 66 (Revocation, etc. of Permits to Construct and Operate Radioactive Wastes Management Facilities, etc.)**

(1) Where a constructor or operator of radioactive waste management facilities, etc. falls under any of following circumstances, the Commission may revoke the relevant permit or order the suspension of his/her business for a prescribed period not exceeding one year: Provided, That where he/she falls under subparagraph 1 or 4, the Commission shall revoke the relevant permit: <Amended by Act No. 12666, May 21, 2014; Act No. 13078, Jan. 20, 2015>

1. Where he/she has obtained the permit by fraudulent or other illegal means;
2. Where he/she has failed to commence the permitted business within the period prescribed by Presidential Decree without justifiable grounds, or has suspended the business for at least one consecutive year;
3. Where he/she has altered any matter subject to permit pursuant to the latter part of Article 63 (1) without obtaining the permit;
4. Where he/she falls under any of subparagraph 1, 2, or 4 of Article 14, which are applied mutatis mutandis pursuant to Article 63 (3): Provided, That the same shall not apply if an executive of a corporation who has fallen under said cause is replaced within three months;
5. Where he/she has failed to meet any of the criteria for permits provided for in Article 64;
6. Where he/she has violated Article 15 (1), which is applied mutatis mutandis pursuant to Article 69;
7. Where he/she has failed to comply with any of the orders issued under Article 65 (2), 68 (2), 92 (2) or 98 (1) and (3);
8. Where he/she has violated Article 68 (3), 89 (5), 94, 96, or 106 (1);
9. Where he/she has violated any term or condition of permits imposed under Article 99.

(2) Article 17 (2) through (4) shall apply mutatis mutandis to suspension of business under paragraph (1).

**Article 67 (Recording and Keeping)**

Every constructor and operator of radioactive wastes management facilities, etc. shall record the details about the storage, processing, or disposal of radioactive wastes, and keep such records at radioactive wastes management facilities, etc., as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>

#### **Article 68 (Obligation to Observe Standards, etc.)**

(1) Every constructor and operator of radioactive wastes management facilities, etc. shall observe the technical standards prescribed by the Rules of the Commission in respect to the following matters:

*<Amended by Act No. 13078, Jan. 20, 2015>*

1. Location, structure, installation, and performance of radioactive waste management facilities, etc.;
2. Storage, processing, or disposal of radioactive wastes.

(2) Where the Commission deems that the location, structure, installation, or performance of a radioactive wastes management facility, etc., and storage, processing, or disposal of radioactive wastes fail to meet the technical standards prescribed under paragraph (1), it may order the constructor and operator of the radioactive wastes management facility, etc. to repair, renovate, or relocate the relevant facility, suspend his/her business, alter the methods of handling them, or take other necessary safety measures. *<Amended by Act No. 13078, Jan. 20, 2015>*

(3) Every constructor and operator of radioactive wastes management facilities, etc. and his/her employees shall observe the safety management regulations submitted under Article 63 (2). *<Amended by Act No. 13078, Jan. 20, 2015>*

#### **Article 69 (Provisions to be Applied Mutatis Mutandis)**

@Articles 10 (3) through (6), 15, 19 and 43 shall apply mutatis mutandis to every constructor and operator of radioactive wastes management facilities, etc. In such cases, "installer of a nuclear power reactor" or "nuclear fuel cycle business operator" shall be construed as "constructor and operator of radioactive wastes management facilities, etc." *<Amended by Act No. 13078, Jan. 20, 2015>*

#### **Article 70 (Restrictions on Disposal of Radioactive Wastes)**

(1) No person shall dispose of any radioactive waste by dumping it into the sea.

(2) No person, other than the constructors and operators of radioactive waste management facilities, etc., shall dispose of any radioactive wastes of the kind and quantity prescribed by Ordinance of the Prime Minister by burying such wastes shallowly (including burying them in a cave) or deeply in the ground. *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>*

(3) Radioactive wastes, other than those referred to in paragraph (2), shall be disposed of in compliance with methods and procedures prescribed by Presidential Decree.

(4) Any person who intends to outsource the disposal of radioactive wastes referred to in paragraph (2) to a constructor and operator of radioactive wastes management facilities, etc. shall transfer such radioactive wastes in compliance with the criteria for delivery prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>*

#### **Article 71 (Reporting on Transportation)**

(1) When an installer of a nuclear power reactor, an operator of a nuclear power reactor, an installer of a research reactor, etc., an operator of a research reactor, etc., a nuclear fuel cycle business operator, a nuclear fuel material user, a nuclear raw material user, a licensed user, a reported user, a business agent, or a constructor and operator of radioactive wastes management facilities, etc. (hereinafter referred to as

"nuclear energy-related business operator") intends to transport radioactive materials, etc. of the quantity prescribed by Ordinance of the Prime Minister out of his/her business place to another place, or to transport such radioactive materials into his/her business place from overseas, he/she shall report it to the Commission, as prescribed by Presidential Decree. <Amended by Act No. 11715, Mar. 23, 2013; Act No. 12666, May 21, 2014; Act No. 13078, Jan. 20, 2015>

(2) Any person who intends to get any ship or aircraft laden with radioactive materials, etc. of the quantity prescribed by Ordinance of the Prime Minister, to enter any port or airport of the Republic of Korea, or to sail through the territorial waters of the Republic of Korea (limited to ships) shall report it to the Commission in advance, as prescribed by Presidential Decree. The same shall apply to any alteration of any reported matter. <Amended by Act No. 11715, Mar. 23, 2013>

#### **Article 72 (Technical Criteria concerning Packing and Transportation)**

Any transportation of radioactive materials, etc. by railroad, road, ship, aircraft, or domestic or international mail service shall be made in conformity with the technical criteria concerning packing and transportation prescribed by Rules of the Commission.

#### **Article 73 (Management of Exposure, etc.)**

Each nuclear energy-related business operator shall conduct the check up on whether or not the workers engaged in the transport of radioactive materials, etc. are exposed to radiation, and shall conduct the safety education therefor.

#### **Article 74 (Measures against Accidents, etc.)**

(1) Each nuclear energy-related business operator or any person entrusted with the transportation of radioactive materials, etc. by a nuclear energy-related business operator shall formulate and implement a contingency plan as prescribed by Ordinance of the Prime Minister in order to prepare for accidents that could occur while transporting or packing radioactive materials, etc. <Amended by Act No. 11715, Mar. 23, 2013>

(2) When any leakage of radioactive materials, any fire or any other accident occurs while transporting or packing radioactive materials, etc., each nuclear energy-related business operator or any person entrusted with the transportation of the radioactive materials, etc. by the relevant nuclear energy-related business operator shall take necessary safety measures and report to the Commission thereon without delay as prescribed by Presidential Decree.

#### **Article 75 (Inspection of Packing and Transportation)**

(1) Each nuclear energy-related business operator and any person entrusted with the packing or transportation of radioactive materials, etc. by the relevant nuclear energy-related business operator shall undergo an inspection conducted by the Commission as to whether or not he/she has observed the technical standards as referred to in Article 72 as prescribed by Presidential Decree.

(2) When the results of the inspection under paragraph (1) fail to meet the technical criteria as referred to in Article 72, the Commission may order the correction or supplementation thereof.

#### **Article 76 (Approval for Design of Transportation Containers)**

(1) When a nuclear energy-related business operator intends to manufacture containers for packing or transportation of radioactive materials, etc. of the quantity prescribed by Ordinance of the Prime Minister (hereinafter referred to as "transportation container") or intends to import the transportation containers manufactured in foreign countries, he/she shall obtain approval thereof from the Commission according to the criteria for design prescribed by Presidential Decree. The same shall apply to any proposed alteration thereof: Provided, That the alteration of matters prescribed as insignificant by Ordinance of the Prime Minister shall be reported to the Commission. <Amended by Act No. 11715, Mar. 23, 2013>

(2) Any person intending to obtain the approval referred to in paragraph (1) shall submit an application for the approval of manufacturing transportation containers to the Commission, attached with the design data of the transportation containers, quality assurance plan concerning manufacturing, safety analysis report and other documents prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

#### **Article 77 (Inspection)**

(1) Each nuclear energy-related business operator shall have transportation containers manufactured or imported after obtaining approval therefor pursuant to Article 76 (1) or other transportation containers in use inspected by the Commission as prescribed by Presidential Decree: Provided, That the same shall not apply where an inspection is exempted as prescribed by Presidential Decree.

(2) Each nuclear energy-related business operator shall use transportation containers which have passed the inspection as referred to in paragraph (1).

#### **Article 78 (Registration of Dosimeter Reading Service Providers)**

(1) Any person who intends to render the dosimeter reading service aimed at reading the radiation exposure dose to human bodies shall register his/her business with the Commission.

(2) When the person who has registered his/her business pursuant to paragraph (1) (hereinafter referred to as "dosimeter reading service provider") intends to alter any registered matter, he/she shall report to the Commission thereon.

(3) Any person who intends to register his/her business pursuant to paragraph (1) shall file an application therefor with the Commission, accompanied by a quality assurance plan concerning dosimeter reading and other documents prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

(4) Article 14 shall apply mutatis mutandis to a person who intends to register his/her business pursuant to paragraph (1). In such cases, "permit was cancelled pursuant to Article 17" in subparagraph 3 of Article 14 and "executive" in subparagraph 4 of the same Article shall each be construed as "registration was cancelled pursuant to Article 81" and "representative".

#### **Article 79 (Criteria for Registration)**

Criteria for registration as referred to in Article 78 (1) shall be as follows: <Amended by Act No. 11715, Mar. 23, 2013>

1. Technical capabilities prescribed by Ordinance of the Prime Minister which are necessary for installation and operation of the reading facilities shall be secured;
2. The details of the quality assurance plan as referred to in Article 78 (3) shall conform to the criteria prescribed by Ordinance of the Prime Minister.

#### **Article 80 (Inspection)**

- (1) Each dosimeter reading service provider shall undergo an inspection of the Commission with respect to his/her dosimeter reading service as prescribed by Presidential Decree.
- (2) When the dosimeter reading service provider is found to fail to meet the criteria for registration as referred to in Article 79 as a result of the inspection as referred to in paragraph (1), the Commission may order him/her to take corrective or supplementary measures.

#### **Article 81 (Cancellation, etc. of Registration of Dosimeter Reading Service Providers)**

- (1) When a dosimeter reading service provider falls under any of the following circumstances, the Commission may cancel the relevant registration or order the suspension of his/her service for a fixed period not exceeding one year: Provided, That the Commission must cancel the relevant registration, when subparagraph 1 or 5 is applicable: *<Amended by Act No. 12666, May 21, 2014>*

1. Where he/she has registered his/her business by fraudulent or other illegal means;
2. Where he/she has failed to commence his/her registered service within the period prescribed by Presidential Decree or has suspended his/her business for at least one consecutive year without justifiable grounds;
3. Where he/she has altered the registered matters without reporting thereon pursuant to Article 78 (2);
4. Where he/she has failed to meet the criteria for registration referred to in Article 79;
5. Where he/she falls under any of subparagraphs 1, 2 and 4 of Article 14 which are applied mutatis mutandis in Article 78 (4): Provided, That the same shall not apply where a representative of a corporation who has fallen under said cause is replaced within three months;
6. Where he/she has violated any of the orders issued under Article 80 (2) or 98 (1) and (3).

- (2) Article 57 (2) through (4) shall apply mutatis mutandis where an order to suspend the dosimeter reading service paragraph (1) must be issued under paragraph (1).

#### **Article 82 (Recording and Keeping)**

Each dosimeter reading service provider shall record the matters concerning reading facilities and reading service and keep such records at each factory or business place, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 83 (Mutatis Mutandis Application)**

The provisions of Articles 19 and 43 shall apply mutatis mutandis to succession to and reporting on the services of the dosimeter reading service provider. In such cases, "installer of a nuclear power reactor" or "nuclear fuel cycle business operator" shall be deemed as the "dosimeter reading service provider".

#### **Article 84 (License, etc.)**

(1) Any person other than a person who has obtained a license from the Commission as prescribed by Presidential Decree or other than a radiation management engineer as provided for in the National Technical Qualifications Act shall be prohibited from operating a nuclear reactor or handling nuclear fuel materials, radioisotopes, etc.: Provided, That the same shall not apply where a person who has undergone educational training as referred to in Article 106 (1) operates such reactor or handles such materials under the direction and supervision of a person who has obtained a license referred to in the subparagraphs of paragraph (2) (excluding subparagraph (2)) or a radiation management engineer as provided for in the National Technical Qualifications Act.

(2) The license referred to in paragraph (1) shall be classified as follows:

1. License for the senior nuclear operator;
2. License for the nuclear operator;
3. License for the senior nuclear fuel material handler;
4. License for the nuclear fuel material handler;
5. License for the radioisotope handler;
6. Special license for the radioisotope handler;
7. License for the senior radiation handler.

#### **Article 85 (Grounds for Disqualification)**

No of the following persons shall be granted any license under Article 84: <Amended by Act No. 12666, May 21, 2014>

1. A person under 18 years of age;
2. An incompetent under adult guardianship, a quasi-incompetent under limited guardianship, or a person declared bankrupt who has not yet been reinstated;
3. A person who had been sentenced to imprisonment without prison labor or a heavier punishment for violation of this Act, and for whom two years have not passed since the execution of such punishment was terminated or exempted, or a person who is under probation period after having been sentenced to the suspension of the execution of such punishment;
4. A person for whom two years have not passed since his/her license was cancelled pursuant to Article 86;
5. A person engaged in the construction, repair and maintenance of nuclear reactors and relevant facilities or in the delivery and tally of materials, parts, etc. for nuclear reactors and relevant facilities who had been sentenced to imprisonment without prison labor or a heavier punishment for committing any of the crimes referred to in Articles 129, 130, 132 and 133 of the Criminal Act in course of performing his/her duties and for whom five years have not passed since the execution of such punishment was completed or non-execution thereof was finally decided, or who is under probation period after having been sentenced to the suspension of the execution of such punishment.

#### **Article 86 (Cancellation, etc. of Licenses)**

(1) When a person who has obtained a license under Article 84 falls under any of the following cases, the Commission may cancel his/her license or suspend his/her license for a fixed period not exceeding three years: Provided, That the Commission must cancel his/her license where he/she falls under subparagraph 1 or 2: <Amended by Act No. 12666, May 21, 2014>

1. Where he/she has obtained a license by fraudulent or other illegal means;
2. Where he/she falls under any of subparagraphs 1 through 3 and 5 of Article 85;
3. Where he/she has violated Article 88 (2);
4. Where he/she has violated Article 106 (2).

(2) Criteria for the cancellation or suspension of the license under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

#### **Article 87 (License Examinations)**

(1) Any person intending to obtain a license under Article 84 shall pass the license examination conducted by the Commission.

(2) When a person who has obtained a license falling under any subparagraph of Article 84 (2) or a foreign license equivalent thereto intends to obtain a license referred to in paragraph (1) of the same Article, the Commission may exempt all or some subjects of the license examination referred to in paragraph (1) as prescribed by Presidential Decree. <Amended by Act No. 12666, May 21, 2014>

(3) When a person who has applied for the license examination referred to in paragraph (1) engages in cheating behavior in the examination, the relevant examination shall be nullified, and he/she shall be disqualified for the license examination for three years from the date on which he/she applied for the examination.

(4) Qualifications for application, subjects and methods of the license examination referred to in paragraph (1) and other matters necessary therefor shall be prescribed by Presidential Decree.

#### **Article 88 (License Certificate)**

(1) The Commission shall issue a license certificate to a person who has passed the license examination as referred to in Article 87 as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11715, Mar. 23, 2013>

(2) Any person who has obtained a license certificate as referred to in paragraph (1) shall be prohibited from lending or illegally using his/her license.

#### **Article 89 (Establishment of Restricted Areas)**

(1) When the State installs a nuclear reactor and relevant facilities, nuclear fuel cycle facilities, radioactive wastes management facilities, etc., it may establish restricted areas in a specific size to protect health, physical objects, and the general public from radiation-related risks. <Amended by Act No. 13078, Jan. 20, 2015>

(2) An order may be issued to prevent ordinary people's access to or residence in restricted areas established under paragraph (1).

(3) The scope of restricted areas to be established under paragraph (1), and matters necessary for restricting the access or residence of the general public under paragraph (2) shall be prescribed by Presidential Decree.

(4) Due compensation shall be paid for any loss caused by the restriction imposed under paragraph (2). In such cases, matters necessary for the payment thereof shall be prescribed by Presidential Decree.

(5) Any person, other than the State, who intends to install and operate a nuclear reactor and relevant facilities, nuclear fuel cycle facilities, radioactive wastes management facilities, etc., shall secure a site in a specific size, as prescribed by Presidential Decree, and establish a restricted area under paragraph (1) within such site and shall restrict ordinary people's access or residence in the restricted area. *<Amended by Act No. 13078, Jan. 20, 2015>*

#### **Article 90 (Restrictions on Installation of Hazardous Facilities)**

(1) The head of a relevant administrative agency that intends to permit, authorize, or approve the installation of any facilities hazardous to a nuclear reactor and relevant facilities, nuclear fuel cycle facilities, radioactive wastes management facilities, etc. within the range prescribed by Presidential Decree from the site in which said facilities are under construction or in operation with the permit and license granted under Article 10, 20, 35, or 63 shall consult in advance with the Commission. *<Amended by Act No. 13078, Jan. 20, 2015>*

(2) Facilities subject to consultation between the heads of relevant administrative agencies and the Commission pursuant to paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 91 (Measures to Prevent Radiation Damage)**

(1) Each nuclear energy-related business operator shall take the following measures to prevent radiation damage as prescribed by Presidential Decree:

1. Measurement of radiation dose and radioactive contamination;
2. Health examination;
3. Control of exposure;
4. Measures necessary to rationally maintain the dose of emissions of radioactive materials and the radiation exposure dose as low as reasonably achievable.

(2) Each nuclear energy-related business operator shall take measures necessary to keep the radiation exposure dose to radiation workers and other persons having frequent access prescribed by Presidential Decree under the dose limit prescribed by Presidential Decree.

(3) Each nuclear energy-related business operator shall take necessary measures such as restrictions on access to nuclear power utilization facilities and other measures for health for any person suffering from radiation damage or other person suspected to have suffered from such radiation damage.

#### **Article 92 (Measures for Prevention of Radiation Damage and Reporting)**

(1) When each nuclear energy-related business operator falls under any of the following subparagraphs, he/she shall take safety measures and report such fact to the Commission without delay, as prescribed by Presidential Decree:

1. Where the nuclear energy utilization facilities or radioactive materials, etc. are jeopardized or are feared to be jeopardized due to earthquake, fire or other disasters;
2. Where a breakdown, etc. occurs in the nuclear energy utilization facilities;
3. Where radiation damage occur.

(2) When the Commission has received a report pursuant to paragraph (1), it may order the relevant nuclear energy-related business operator to suspend the use of the nuclear power utilization facilities, relocate radioactive materials, etc., remove contaminants, or take other measures necessary to prevent radiation damage.

#### **Article 92-2 (Periodic Updates of Decommissioning Plans)**

Every operator of a nuclear power reactor, every operator of a research nuclear reactor, and every operator of a nuclear fuel cycle facility shall periodically update his/her plan to decommission the relevant nuclear reactor, relevant facilities, and nuclear fuel cycle facility, as prescribed by Ordinance of the Prime Minister, and report the updated plan to the Commission.

#### **Article 93 (Expropriation or Transfer of Nuclear Materials, etc.)**

(1) The Government may expropriate the right for the relevant nuclear materials, or radioisotopes, etc. from the manufacturer, possessor or manager of the relevant nuclear materials, or radioactive isotopes, etc., or may order him/her to transfer the right to a person designated by the Commission as prescribed by separate Acts.

(2) When the right has been expropriated or transferred pursuant to paragraph (1), due compensation shall be made therefor.

#### **Article 94 (Restriction on Possession, Transfer or Takeover of Radioactive Materials, etc. or Radiation Generating Devices)**

Except for cases falling under any of the following subparagraphs, any possession, transfer or takeover of radioactive materials, etc. or radiation generating devices shall be prohibited: Provided, That the same shall not apply where nuclear materials are transferred or acquired by the State in accordance with international agreements or acquired from the State: <Amended by Act No. 11715, Mar. 23, 2013>

1. Where a nuclear energy-related business operator acquires or possesses radioactive materials, etc. or radiation generating devices within the limit licensed, designated or reported, or transfers such materials or devices to other nuclear energy-related business operator under this Act;
2. Where a nuclear energy-related business operator whose license or designation has been cancelled pursuant to Articles 17, 24, 32, 38, 48, 57 and 66 possesses radioactive materials, etc. or radiation generating devices which were in his/her possession at the time such permit and license or designation was cancelled or prohibited from being used or transfers them to another nuclear energy-related business operator as prescribed by Ordinance of the Prime Minister;
3. Where a nuclear energy-related business operator who discontinues business or duty possesses radioactive materials, etc. or radiation generating devices which were in his/her possession at the time such business or duty was discontinued or transfers them to another nuclear energy-related business

operator as prescribed by Ordinance of the Prime Minister;

4. Where a person who has been entrusted with the transportation of radioactive materials, etc. or radiation generating devices by a nuclear energy-related business operator possesses the entrusted radioactive materials, etc. or radiation generating devices;

5. Where an employee of the nuclear energy-related business operator possesses radioactive materials, etc. or radiation generating devices while performing his/her duty;

6. Where a successor to a deceased nuclear energy-related business operator possesses radioactive materials, etc. or radiation generating devices: Provided, That any successor falling under subparagraphs 1 through 3 of Article 14 shall be excluded.

#### **Article 95 (Measures following Cancellation of License, etc. or Discontinuation of Business)**

(1) Any nuclear energy-related business operator whose license or designation has been cancelled under this Act (including the prohibition of use) or who has discontinued his/her business or the use pursuant to the provisions of this Act, shall take measures necessary for transfer, temporal storage, discharge, storage, processing, disposal, decontamination, recorded transfer of radioactive materials, etc. or radiation generating devices or protection against radiation damage as prescribed by Presidential Decree, and report to the Commission thereon within 30 days from the date such measures are taken.

(2) When a nuclear energy-related business operator fails to take the measures referred to in paragraph (1), or it is deemed necessary to protect local residents or the surrounding environment from radioactive materials etc. or radiation generating devices notwithstanding such measures, the Commission may take necessary measures, such as removal of radioactive materials, etc. or radiation generating devices, and decommissioning of contaminated facilities, etc.

(3) The Commission may require the relevant nuclear energy-related business operator to bear the expenses incurred to take the measures referred to in paragraph (2).

#### **Article 96 (Restriction on Handling of Nuclear Energy Utilization Facilities)**

No person may allow a person under 18 years of age to handle nuclear energy utilization facilities or radioactive materials, etc.: Provided, That the same shall not apply where such person handles such facilities or radioactive materials for the purpose of educational training, etc. which is recognized by the Commission.

#### **Article 97 (Reporting on Theft, etc.)**

When there has occurred a theft, loss, fire, or other accident in connection with radiation generating devices or radioactive materials, etc. in his/her possession, a nuclear energy-related business operator shall report such fact to the Commission without delay.

#### **Article 98 (Report, Inspection, etc.)**

(1) The Commission may, when deemed necessary for the enforcement of this Act, order any nuclear energy-related business operator, any dosimeter reading service provider, any business operator participating in construction or operation of a nuclear reactor and relevant facilities, or any person who deals with internationally controlled materials or is engaged in the relevant research, as prescribed by

Presidential Decree, to report the business, submit documents or supplement any submitted documents.

(2) When necessary to confirm on the spot the contents reported or documents submitted pursuant to paragraph (1), when deemed especially necessary for the safety of nuclear energy utilization facilities, or when necessary to conduct various inspections under this Act, the Commission may have public officials under its control enter the relevant business place, factory, ship, research facilities, sites, etc. to inspect account books, documents, facilities and other necessary articles, make inquiries to the interested persons, and collect samples necessary for testing at a minimum quantity.

(3) When the Commission finds as a result of the inspection, etc. conducted pursuant to the provisions of paragraph (2) that there are matters contrary to this Act or international commitments, it may order the correction or supplementation thereof.

(4) Persons who are designated by the International Atomic Energy Agency or other persons who are designated by the government of a country involved in the supply of internationally controlled materials in accordance with international commitments may enter the business place, factory, ship, research facilities, sites, etc. of any person who deals with internationally controlled materials or is engaged in the relevant research to inspect account books, documents, facilities and other necessary articles, question relevant persons or collect a minimum quantity of samples necessary for testing under the supervision of public officials belonging to and designated by the Commission and within the scope determined by international commitments.

(5) Any person designated by the International Atomic Energy Agency may install any facilities to monitor any movement of internationally controlled materials or attach the seal thereto within the limit prescribed by international commitments, under the supervision of public officials belonging to and designated by the Commission.

(6) The Commission may take a measure necessary to confirm any movement of, or manage any information on, internationally controlled materials, as prescribed by Presidential Decree.

(7) Any person who performs his/her duties to conduct any inspection or to monitor and confirm any movement of the internationally controlled materials pursuant to paragraphs (2) and (4) through (6) shall produce a certificate indicating his/her authority to the interested persons.

#### **Article 99 (Conditions for Permit and License or Designation)**

(1) Conditions necessary to secure safety may be attached to the Permit and License or designation granted under this Act.

(2) Conditions 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 and license or designation.

#### **Article 100 (Approval of Topical Reports)**

(1) When a person intending to install and operate a nuclear reactor and relevant facilities, or a person participating in the construction and operation of a nuclear reactor and relevant facilities, applies for an approval of a topical report prescribed by Ordinance of the Prime Minister, the Commission may approve

it. <Amended by Act No. 11715, Mar. 23, 2013>

(2) Among the matters to be stated in the documents of application for the permit and license referred to in Articles 10 (2), 20 (2), 30 (2) and 30-2 (2), the matters approved in advance pursuant to paragraph (1) need not be stated. <Amended by Act No. 12666, May 21, 2014>

#### **Article 101 (Hearings)**

When the Commission intends to impose a disposition falling under any of the following subparagraphs, it shall hold a hearing:

1. Cancellation of the permit and license or registration referred to in Article 17 (1), 24 (1), 32, 48, 57 (1), 66 (1) or 81;
2. Cancellation of the permit and license or designation referred to in Article 38 (1);
3. Cancellation of license referred to in Article 86.

#### **Article 102 (Protection for Workers)**

No nuclear energy-related business operator or dosimeter reading service provider may dismiss nor disadvantage any worker he/she employs on the ground that the worker has conducted any of the following: <Amended by Act No. 12666, May 21, 2014>

1. Observing the operational technical guidelines referred to in Article 20 (2) or 30-2 (2), the safety management regulations referred to in Article 35 (3), 45 (2), 53 (3) or 63 (2), and the quality assurance plan with respect to dosimeter reading referred to in Article 78 (3);
2. Informing the Commission or heads of agencies delegated or entrusted with the authority of the Commission of the fact that the nuclear energy-related business operator or the dosimeter reading service provider has violated or is feared to violate any of the technical specifications, safety management regulations or quality assurance plans concerning the dosimeter reading service as referred to in subparagraph 1;
3. Testifying or submitting evidence to respond to inspections or investigations conducted under Articles 16 (including where it is applied mutatis mutandis in Article 34), 22 (including where it is applied mutatis mutandis in Article 34), 37, 47, 56, 61, 65, 77, 80 and 98;
4. Performing the duties referred to in any of Article 53-2 (1) 1 through 4 as a radiation safety manager, or taking measures or making recommendations for radiation safety management under paragraph (5) of the same Article as a radiation safety manager or requesting measures or cooperation necessary for safety management under Article 59-2 (7) as such.

#### **Article 103 (Gathering Consensus from Residents)**

(1) Where any of the following persons (hereafter referred to as "applicant" in this Article) prepares a radiological environmental impact assessment report under Article 10 (2) and (5), 20 (2), or 63 (2), he/she shall gather consensus from residents within the scope determined by the Commission, upon making the draft radiological environmental impact assessment report under paragraph (3) available to the public for inspection or by holding a public hearing, etc., and reflect such consensus in the radiological environmental impact assessment report. In such cases, he/she shall hold a public hearing, etc., if the head

of a local government having jurisdiction over the area in which residents' consensus are to be gathered, or residents within the scope prescribed by Presidential Decree, so request: *<Amended by Act No. 13078, Jan. 20, 2015>*

1. A person who intends to obtain a permit or approval pursuant to Article 10 (1) or (3);
  2. A person who intends to obtain alteration to his/her license under the latter part of Article 20 (1) in order to continue operating his/her nuclear power reactor and relevant facilities after the design lifespan expires;
  3. A person who intends to obtain a permit to construct and operate radioactive wastes management facilities or spent nuclear fuel storage facilities pursuant to Article 63 (1).
- (2) Where a person who intends to obtain approval pursuant to Article 28 (1) prepares a decommissioning plan prescribed in Article 28 (2), he/she shall gather consensus from residents within the scope determined by the Commission, upon making the draft decommissioning plan under paragraph (3) available to the public for inspection, or by holding a public hearing, etc., and reflect such consensus in the decommissioning plan. In such case, he/she shall hold a hearing, etc. if the head of a local government having jurisdiction over the area in which residents' consensus are to be gathered, or residents within the scope prescribed by Presidential Decree, so request. *<Newly Inserted by Act No. 13078, Jan. 20, 2015>*
- (3) Where an applicant or a person who intends to obtain approval pursuant to Article 28 (1) intends to gather consensus from residents pursuant to paragraphs (1) and (2), he/she shall prepare a draft radiological environmental impact assessment report or a draft decommissioning plan in advance, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013; Act No. 13078, Jan. 20, 2015>*
- (4) Methods and procedures for gathering consensus from residents under paragraphs (1), (2), and (3), and other necessary matters, shall be prescribed by Presidential Decree. *<Amended by Act No. 13078, Jan. 20, 2015>*
- (5) An applicant or a person who intends to obtain approval pursuant to Article 28 (1) shall bear expenses incurred in gathering consensus from residents under paragraphs (1) and (2), as prescribed by Presidential Decree. *<Amended by Act No. 13078, Jan. 20, 2015>*

#### **Article 104 (Preservation of Environment)**

(1) Each installer and operator of the facilities falling under any of the following subparagraphs shall conduct the survey of radiation environment and the assessment of the impact of radiation on environment, and report to the Commission thereon as prescribed by Ordinance of the Prime Minister: *<Amended by Act No. 11715, Mar. 23, 2013>*

1. Nuclear power reactor;
2. Nuclear research reactor capable of generating thermal power of not less than 100 kilowatts;
3. Nuclear fuel cycle facilities;
4. Interim storage facilities for spent nuclear fuel;

5. Radioactive waste disposal facilities.

(2) The Commission may, when necessary to confirm the results of the survey of radiation environment and the assessment of the impact of radiation on environment as referred to in paragraph (1), conduct a survey of radiation environment.

(3) When the Commission deems it is feared that there may be any adverse impact on nearby environment according to the result of the report as prescribed in paragraph (1) or the result of conducting inspection on radiation environment as prescribed in paragraph (2), it may order the installer and operator of facilities referred to in paragraph (1) to take necessary measures for the preservation of the environment.

#### **Article 105 (Monitoring of Nationwide Radioactive Environment)**

(1) In order to protect people's 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.

(2) The Commission may establish and operate central and local radioactivity monitoring stations to systematically perform the affairs as prescribed in paragraph (1).

(3) Matters necessary for the establishment and operation of the radioactivity monitoring stations as referred to in paragraph (2) shall be prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 106 (Education and Training)**

(1) Each nuclear energy-related business operator shall provide radiation workers and other persons having access to the radiation controlled areas with educational training, which are necessary for securing the safety and the prevention of radiation damage ensuing from the utilization of nuclear energy, as prescribed by Presidential Decree.

(2) Each person who has obtained his/her license pursuant to Article 84 shall undergo the supplementary educational training conducted by the Commission as prescribed by Presidential Decree.

(3) Persons prescribed by Presidential Decree among the nuclear energy-related business operators and the persons conducting the nuclear energy-related research shall undergo the education on the nuclear power control as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 107 (Importation and Exportation Procedures)**

The Commission shall determine procedures for importation and exportation of nuclear reactors and relevant facilities, nuclear materials, radioisotopes, etc. in consultation with the Minister of Trade, Industry and Energy. *<Amended by Act No. 11715, Mar. 23, 2013>*

#### **Article 107-2 (International Cooperation)**

(1) The Commission may develop and implement policies to facilitate international cooperation with international organizations, foreign governments or other institutions in order to promote nuclear safety and security.

(2) The Government may designate specialized assistance institutions to ensure efficient implementation of policies for international cooperation under paragraph (1) and pay them contributions or subsidies to cover all or some of the expenses incurred by them in conducting their assistance activities.

(3) Matters necessary for promoting international cooperation under paragraph (2), including the designation of and assistance to the specialized institutions, shall be prescribed by Presidential Decree.

**Article 108 (Confidentiality)**

Any member of the Commission, member of a specialized committee of the Nuclear Safety and Security Commission under Article 15 of the Act on the Establishment and Operation of the Nuclear Safety and Security Commission or any public official who conducts or has conducted the duties under this Act shall not divulge confidential information relating to nuclear energy which he/she has learned in the course of performing his/her duties, nor shall he/she use such confidential information for purposes other than the purposes of the enforcement of this Act.

**Article 109 (Allowances for Public Officials Related to Nuclear Safety and Security)**

Research allowances, danger allowances or health allowances, in addition to remuneration and other allowances under the State Public Officials Act, may be paid to public officials engaged in nuclear safety and security, as prescribed by Presidential Decree.

**Article 110 (Compensation)**

Any person who has suffered damage to his/her body or properties from radiation during nuclear utilization and safety control ensuing therefrom shall receive due compensation as prescribed by Presidential Decree.

**Article 110-2 (Payment of Monetary Rewards)**

(1) The Commission may, within the budget limits, pay a monetary reward to any person who contributes to nuclear safety by reporting or informing any violation of this Act and providing supporting evidence.

(2) Matters necessary for the criteria, procedures, etc. for payment of monetary rewards under paragraph (1) shall be prescribed by Presidential Decree.

**Article 110-3 (Mitigation, Remission, etc. of Punishment)**

(1) If a person who has reported a violation of this Act is found to be involved in such violation, his/her punishment may be mitigated or remitted.

(2) Paragraph (1) shall apply mutatis mutandis to any disciplinary action taken by public institutions.

(3) No report on any violation of this Act shall be deemed to constitute any violation of the official duty to maintain confidentiality, notwithstanding relevant provisions of other Acts and subordinate statutes, collective agreements, employment regulations, etc.

**Article 111 (Delegation of Authority)**

(1) The Commission's authority vested under this Act over the following affairs may be delegated or entrusted to institutions established pursuant to Article 5 (2), KINAC, and other relevant specialized institutions, or administrative agencies, as prescribed by Presidential Decree: *<Amended by Act No. 12666, May 21, 2014; Act No. 13078, Jan. 20, 2015>*

1. Safety examinations related to authorization, permits, and licenses, and designation under Articles 10 (1) (former and latter parts), 12 (1) (former and latter parts), 20 (1) (former and latter parts), 30 (1) (former and latter parts), 35 (1) (former and latter parts) and (2) (former part), 45 (1) (former and latter parts), 53 (1) (former and latter parts), and 63 (1) (former and latter parts);
2. Safety examinations related to approval under Articles 10 (3) (including where it is applied mutatis mutandis in Article 69), 15 (1) (former and latter parts) (including where it is applied mutatis mutandis in Articles 29, 34, 44, 51 and 69), 28 (1) (former and latter parts) (including where it is applied mutatis mutandis in Article 34), 35 (2) (latter part), 42 (1) (former and latter parts), 60 (1) (former and latter parts), 76 (1) (former and latter parts) and 100 (1);
3. Research and formulation of criteria and standards (including technical standards) under Articles 11 (subparagraphs 2 and 4) (including where it is applied mutatis mutandis in Article 30 (3)), 21 (subparagraphs 2 and 4) (including where it is applied mutatis mutandis in Article 30-2 (3)), 36 (subparagraph 3), 46 (subparagraph 3), 50 (1), 52 (2), 55 (1) (subparagraphs 1 and 3), 59 (1), 64 (subparagraph 2), 68 (1), 72 and 79 (subparagraph 2);
4. Inspections, confirmations, and examinations under Article 16 (1) (including cases in which such provision applies mutatis mutandis in Article 34), Article 22 (1) (including cases in which such provision applies mutatis mutandis in Article 34), the latter part of 28 (3) and paragraph (6) of the same Article (including cases in which such provisions apply mutatis mutandis in Articles 34 and 44), Article 37 (1), Article 47 (1), the main sentence of Article 56 (1), the main sentence of Article 61 (1), the main sentence of Article 65 (1), Article 75 (1), the main sentence of Article 77 (1) and Article 80 (1);
5. License examinations under Article 87;
6. Management of information on internationally controlled materials under Article 98 (6);
7. Management of records and reports on exposure to radiation of those who are engaged in radiation work, which are read by a dosimeter reading service provider pursuant to Articles 82 and 98 (1);
8. Receipt of reports under Articles 10 (1) (proviso), 15 (1) (proviso) (including where it is applied mutatis mutandis in Articles 29, 34, 44, 51 and 69), 15-2 (including where it is applied mutatis mutandis in Articles 29 and 34), 20 (1) (proviso), 28 (1) (proviso) (including where it is applied mutatis mutandis in Article 34), 30 (1) (proviso), 30-2 (1) (proviso), 33, 35 (1) (proviso) and (2) (proviso), 42 (1) (proviso), 43 (including where it is applied mutatis mutandis in Articles 51, 62, 69 and 83), 45 (1) (proviso), 52 (1), 53 (1) (proviso) and (2), 53-2 (1) and (3), 54 (2), 60 (1) (proviso), 63 (1) (proviso), 71, 76 (1) (proviso), 78 (2), and Article 95 (1);
9. Implementation of supplementary educational training under Article 106 (2) and implementation of the education on nuclear power control under paragraph (3) of the same Article;
10. Issuance of licenses under Article 88 (1), expropriation and transfer of nuclear materials, etc. under Article 93, reporting under Articles 98 (1) and 104 (1), and duties related to importation and exportation under Article 107;

11. Requests for submission and supplementation of documents under Article 98 (1) within the scope necessary for conducting the entrusted duties under subparagraphs 1 through 8;
12. Examinations on safety in connection with registration under Articles 54 (1) and 78 (1);
13. Surveys on a radiation environment under Article 104 (2), and the monitoring and assessment of the radiation and radioactivity on the environment under Article 105 (1);
14. Examinations on safety in connection with periodic safety reviews under Article 23 (1) (including where it is applied mutatis mutandis in Article 34 (1));
15. Other duties prescribed by Presidential Decree.

(2) The Commission may subsidize institutions entrusted with authority pursuant to paragraph (1), when deemed necessary.

(3) Any institution entrusted with the authority pursuant to paragraph (1) may have the applicants for a permit, license, designation, approval, registration, or educational training under this Act, the nuclear energy-related business operators, or dosimeter reading service providers (hereafter referred to as "nuclear energy-related business operators, etc." in this Article) bear expenses incurred in exercising such entrusted authority upon obtaining approval from the Commission.

(4) When the Commission intends to approve the expenses to be borne by the nuclear energy-related business operators, etc. pursuant to paragraph (3), it shall consult in advance with the heads of the relevant Ministries and agencies.

(5) The head of each institution entrusted with the authority pursuant to paragraph (1) shall determine the guidelines for performing entrusted affairs to efficiently exercise entrusted authority and obtain approval from the Commission, as prescribed by Presidential Decree. The same shall also apply to any alteration thereof.

(6) Criteria for the calculation and methods of collection of expenses to be borne by the nuclear energy-related business operators, etc. under paragraph (3), and other matters necessary therefor, shall be prescribed by Presidential Decree.

#### **Article 112 (Fees)**

Each person who applies for the permit and license, designation, approval, license, registration or inspection under this Act shall pay fees as prescribed by Ordinance of the Prime Minister: Provided, 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 Acts and subordinate statutes, and other institutions prescribed by Presidential Decree to which the Government pays contributions under this Act or other Acts. <Amended by Act No. 11715, Mar. 23, 2013>

#### **Article 113 (Penal Provisions)**

(1) Any person who damages human lives, bodies or property, or disturbed public safety and security by destructing a nuclear reactor shall be punished by a death sentence, life imprisonment, or imprisonment with prison labor for a limited term of at least three years.

(2) Any person who commits a crime referred to in paragraph (1) in time of war, natural disaster, or a state of emergency equivalent thereto shall be punished by a death sentence or life imprisonment.

(3) A criminal attempt of the crimes referred to in paragraphs (1) and (2) shall be punished.

(4) Any person who prepares, conspires or agitates with intent to commit crimes referred to in paragraph (1) or (2) shall be punished by imprisonment with prison labor for a limited term of at least three years.

#### **Article 114 (Penal Provisions)**

(1) Any person who causes danger to human lives or bodies by improperly manipulating radioactive materials, etc., a nuclear reactor and relevant facilities, nuclear fuel cycle facilities or radiation generating devices shall be punished by imprisonment with prison labor for a term of at least one year, but not exceeding ten years. *<Amended by Act No. 12666, May 21, 2014>*

(2) Any person who causes another person's death by committing the offense referred to in paragraph (1) shall be punished by imprisonment with prison labor for a limited term of at least three years.

#### **Article 115 (Penal Provisions)**

Any person in violation of Article 108 shall be punished by imprisonment with prison labor for a term not exceeding ten years. *<Amended by Act No. 12666, May 21, 2014>*

#### **Article 116 (Penal Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for up to three years, or by a fine not exceeding 30 million won, or both: *<Amended by Act No. 12666, May 21, 2014>*

1. A person who engages in activities, such as use, possession, and operation of business, prescribed in each relevant Article without a permit and license, registration or designation, in violation of Article 10 (1) (former part), 20 (1) (former part), 30 (1) (former part), 30-2 (1) (former part), 35 (1) (former part) and (2) (former part), 45 (1) (former part), 53 (1) (former part), 54 (1), 63 (1) (former part) or 78 (1);
2. A person who violates any of the orders issued under Article 27 (including where it is applied mutatis mutandis in Article 34, 41, 50 (2), 68 (2) or 92 (2));
3. A person who continues his/her business or duties in violation of an order to suspend such business or duties issued under Article 17 (1), 24 (1), 32, 38 (1), 48, 57 (1), 59-2 (3), 66 (1) or 81 (1).

#### **Article 117 (Penal Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for up to one year, or by a fine not exceeding ten million won, or by both: *<Amended by Act No. 12666, May 21, 2014; Act No. 13078, Jan. 20, 2015>*

1. A person who alters any term or condition of a permit or license or designation without obtaining a permit or approval for such alteration, in violation of Article 10 (1) (latter part), 20 (1) (latter part), 30 (1) (latter part), 30-2 (1) (latter part), 35 (1) (latter part) and (2) (latter part), 45 (1) (latter part), 53 (1) (latter part), or 63 (1) (latter part);
2. A person who fails to obtain approval, in violation of Article 10 (4) (including cases in which such provision applies mutatis mutandis in Article 69), 15 (1) (former part) (including cases in which such provision applies mutatis mutandis mutatis mutandis in Articles 29, 34, 44, 51 and 69), 28 (1) (former

part) (including cases in which such provision applies mutatis mutandis in Article 34), 42 (1) (former part), 60 (1) (former part), 76 (1) (former part), or 111 (5) (former part);

3. A person who fails to undergo an inspection, in violation of Article 16 (1) (including cases in which such provision applies mutatis mutandis in Article 34), 22 (1) (including cases in which such provision applies mutatis mutandis in Article 34), 37 (1), 47 (1), 56 (1), 65 (1), 75 (1), 77 (1), or 80 (1), or who refuses, interferes with or evades an inspection conducted under Article 98 (2) and (4), or makes a false statement;

4. A person who enters or resides in a restricted area, in violation of the restriction order issued under Article 89 (2), or violates paragraph (5) of the same Article;

5. A person who violates any of the orders issued under Article 31 (3), 52 (3), 59 (2), 59-2 (2), 98 (1), and (3);

6. A person who violates Article 70 (1) or (2), 77 (2), 84 (1) (main sentence), 94, 96, or 97;

7. A person who fails to report or files a false report, in violation of Article 15-3 (including cases in which such provision applies mutatis mutandis in Articles 29 and 34), 15-4 (2), 74 (2), 92 (1), 92-2, 98 (1), or 104 (1).

#### **Article 118 (Penal Provisions)**

Any of the following persons shall be punished by a fine not exceeding three million won: <Amended by Act No. 12666, May 21, 2014; Act No. 13078, Jan. 20, 2015>

1. A person who violates any of the orders issued under Article 15-4 (3), 16 (2) (including cases in which such provision applies mutatis mutandis in Article 34), 22 (2) (including cases in which such provision applies mutatis mutandis in Article 34), 23 (2) (including cases in which such provision applies mutatis mutandis in Article 34 (1)), 28 (7) (including cases in which such provision applies mutatis mutandis in Articles 34 and 44), 37 (2), 47 (2), 56 (2), 65 (2), 75 (2), or 104 (3);

2. A person who violates Article 23 (1) (including cases in which such provision applies mutatis mutandis in Article 34 (1)), 26 (including cases in which such provision applies mutatis mutandis in Article 34), 40 (1), 88 (2), or 102;

3. A person who alters any term or condition of approval without obtaining approval for such alteration, in violation of the latter part of Article 15 (1) (including cases in which such provision applies mutatis mutandis in Articles 29, 34, 44, 51, and 69) or the latter part of 28 (1) (including cases in which such provision applies mutatis mutandis in Article 34);

4. A person who violates any term or condition of the permit, license, or designation imposed under Article 99 (1);

5. A person who fails to report, in violation of Article 59-2 (6), or files a false report.

#### **Article 119 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding thirty million won: <Amended by Act No. 12666, May 21, 2014>

1. A person who fails to report or files a false report in violation of Article 10 (1) (proviso), 15 (1) (proviso) (including where it is applied mutatis mutandis in Articles 29, 34, 44, 51 and 69), 15-2 (including where it is applied mutatis mutandis in Article 29 and 34), 20 (1) (proviso), 28 (1) (proviso) (including where it is applied mutatis mutandis in Article 34), 30 (1) (proviso), 30-2 (1), 31 (1), 33, 35 (1) (proviso) and (2) (proviso), 42 (1) (proviso), 43 (including where it is applied mutatis mutandis in Articles 51, 62, 69 and 83), 45 (1) (proviso), 52 (1), 53 (1) (proviso) and (2), 53-2 (1) and (3), 54 (2), 60 (1) (proviso), 63 (1) (proviso), 71, 76 (1) (proviso), 78 (2) or 95 (1);
2. A person who violates any of Article 40 (2), 50 (1) and (3), 52 (2), 53-2 (4) and (5), 59 (1) and (3), 59-2 (7), 61, 68 (1) and (3), 70 (3) and (4), 72, 73, 74 (1), 91 or 106 (1);
3. A person who fails to make records or makes false records in violation of Article 18 (including where it is applied mutatis mutandis in Article 34), 25 (including where it is applied mutatis mutandis in Article 34), 39, 49, 52 (4), 58, 67 or 82;
4. A person who violates any of the orders issued under Article 80 (2);
5. A person who alters the approved matters without obtaining approval for such alteration in violation of Article 28 (1) (latter part) (including where it is applied mutatis mutandis in Article 34), 42 (1) (latter part), 60 (1) (latter part), 76 (1) (latter part) or 111 (5) (latter part);
6. A person who has forged or fabricated any document regarding performance testing referred to in Article 15-2;
7. A person who has failed to receive education in violation of Article 106 (3).

(2) Administrative fines referred to in paragraph (1) shall be imposed and collected by the Commission, as prescribed by Presidential Decree. <Amended by Act No. 12666, May 21, 2014>

(3) Deleted. <by Act No. 12666, May 21, 2014>

#### **Article 120 (Joint Penal Provisions)**

(1) When a representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence referred to in any of Articles 113 through 115 in connection with the business of the corporation or the individual, not only shall the offender be punished, but the corporation or the private individual also shall be punished by a fine not exceeding 100 million won: Provided, That the same shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

(2) When a representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence referred to in any of Articles 116 through 118 in connection with the business of the corporation or the individual, not only shall the offender be punished, but the corporation or the individual shall also be punished by a fine prescribed in the relevant Articles: Provided, That the same shall not apply where such corporation or the private individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

#### **Article 121 (Legal Fiction as Public Officials in Application of Penal Provisions)**

Any person who falls under any of the following subparagraphs shall be deemed a public official in applying the penal provisions of the Criminal Act and other Acts: <Amended by Act No. 12666, May 21, 2014>

1. A person who is engaged in performance testing at a performance testing institute;
2. A person who is engaged in performance test management at a performance test management institution;
3. An executive or employee of an institution or relevant specialized institution that is engaged in duties entrusted pursuant to Article 111.

#### ADDENDA

##### **Article 1 (Enforcement Date)**

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

##### **Article 2 (Transitional Measures for Former Dispositions, etc.)**

Any disposition, procedure or other activity for nuclear safety and security which has been taken in accordance with the former Atomic Energy Act as at the time this Act enters into force shall be deemed to have been taken under this Act.

##### **Article 3 (Transitional Measures for Penal Provisions)**

The application of penal provisions in relation to activities which have been conducted before this Act enters into force shall be governed by the former Atomic Energy Act.

##### **Article 4 Omitted.**

##### **Article 5 (Relations with other Acts)**

Where other Acts have cited the Atomic Energy Act or provisions thereof at the time this Act enters into force, if there are provisions corresponding thereto in this Act, they shall be deemed to have cited this Act or the corresponding provisions of this Act.

#### ADDENDA <Act No. 11715, Mar. 23, 2013>

##### **Article 1 (Enforcement Date)**

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

##### **Articles 2 through 5 Omitted.**

#### ADDENDA <Act No. 12666, May 21, 2014>

##### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 1 of Article 14 and subparagraph 2 of Article 85 shall enter into force on the date of its promulgation.

##### **Article 2 (Applicability to Reporting on Contracts for Safety-Related Installations)**

The amended provisions of Article 15-2 shall apply to contracts for the design, manufacture or performance testing of safety-related installations that are entered into on and after the date this Act enters into force.

**Article 3 (Transitional Measures concerning Grounds for Disqualification of Incompetent Persons, etc.)**

Notwithstanding the amended provisions of subparagraph 1 of Article 14 and subparagraph 2 of Article 85, the former provisions shall apply to persons declared incompetent or quasi-incompetent as at the time said amended provisions enter into force, and for whom such declaration remain in effect pursuant to Article 2 of the Addenda to the Civil Act (Act No. 10429).

**Article 4 (Transitional Measures concerning Criteria for Administrative Dispositions)**

The former provisions shall apply to any administrative disposition (including any disposition imposing a penalty surcharge or an administrative fine) against any violation committed before this Act enters into force.

**Article 5 (Transitional Measures concerning Permits and Licenses for Research Reactors, etc.)**

Any person who has obtained a permit or license for a research reactor, etc. pursuant to the former provisions as at the time this Act enters into force shall be deemed to have obtained a permit or license for construction or operation of a research reactor, etc. under the amended provisions of Articles 30 (1) and 30-2 (1).

**Article 6 Omitted.**

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

**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 103 (1) shall enter into force on the date of promulgation.

**Article 2 (Transitional Measures concerning Approval of Decommissioning Plans)**

A person who is constructing or operating a nuclear power reactor and relevant facilities, a nuclear reactor and relevant facilities for research or education, or a nuclear fuel cycle facility pursuant to the former provisions as at the time this Act enters into force shall submit a decommissioning plan of such facilities to the Commission for approval within three years from the date this Act enters into force. In such case, a decommissioning plan submitted to and approved by the Commission shall be deemed a decommissioning plan submitted to the Commission pursuant to the amended provisions of Articles 10 (2), 20 (2), 30 (2), 30-2 (2), and 35 (3).

**Article 3 (Exceptions to Gathering Consensus from Residents)**

A person who applies for permission for alteration pursuant to the latter part of Article 20 (1) within six months after the promulgation of this Act in order to continuously operate a nuclear power reactor and relevant facilities after the design life of the nuclear power reactor and relevant facilities expire may supplement the procedures for gathering consensus from the residents under the amended provisions of

Article 103 (1) within six months from the filing date of the application for the alteration of permission.

