

# SPECIAL ACT ON ASSISTANCE TO THE LOCATIONS OF FACILITIES FOR DISPOSAL OF LOW AND INTERMEDIATE LEVEL RADIOACTIVE WASTE

Act No. 7444, Mar. 31, 2005

Amended by Act No. 8852, Feb. 29, 2008

Act No. 9016, Mar. 28, 2008

Act No. 9401, Jan. 30, 2009

Act No. 9591, Apr. 1, 2009

Act No. 9885, Dec. 30, 2009

Act No. 10713, May 24, 2011

Act No. 10898, Jul. 25, 2011

Act No. 10911, Jul. 25, 2011

Act No. 11690, Mar. 23, 2013

Act No. 12844, Nov. 19, 2014

## Article 1 (Purpose)

The purpose of this Act is to promote the development of inducement areas and the improvement of living conditions of residents therein by preparing a system for assisting areas in which a facility for the disposal of low and intermediate level radioactive waste is located.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 10911, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>

1. The term "low and intermediate level radioactive waste" means the radioactive waste specified by Presidential Decree, taking into consideration the concentration of radioactivity and the heat generation rate, among the radioactive wastes prescribed in subparagraph 18 of Article 2 of the Nuclear Safety Act;
2. The term "facility for the disposal of low and intermediate level radioactive waste" means a facility for permanently disposing of low and intermediate level radioactive wastes (hereinafter referred to as "radioactive waste") and auxiliary facilities related thereto (hereinafter referred to as "disposal facilities");
3. The term "installation site" means an area in which disposal facilities are to be installed and that the Minister of Trade, Industry and Energy designates and publicly notifies as a zone prearranged for an electric power resource development project pursuant to Article 11 of the Electric Power Resource

Development Promotion Act or an area in which disposal facilities are installed.

### **Article 3 (Establishment of Committee on Assistance for Inducement Areas)**

(1) A Committee on Assistance for Inducement Areas (hereinafter referred to as the "Committee") shall be established within the remit of the Prime Minister to deliberate on important matters regarding assistance to an area (hereinafter referred to as "inducement area)" placed under the control of the Special Self-Governing Province or a Si, Gun or autonomous Gu having jurisdiction over an installation site (hereinafter referred to as "competent local government").

(2) The Committee shall be comprised of not more than 20 members, including one Chairperson, and committee members shall consist of ex officio members and commissioned members.

(3) The Prime Minister shall serve as the Chairperson of the Committee, and the following persons shall serve as ex officio members, while commissioned members shall be commissioned by the Prime Minister from among those who have abundant knowledge and experience in nuclear energy-related assistance projects: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. The Minister of Strategy and Finance, the Minister of Science, Information and Communications Technology (ICT) and Future Planning, the Minister of Interior, the Minister of Trade, Industry and Energy, and other heads of central administrative agencies specified by Presidential Decree;

2. The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, or the Governor of a Special Self-Governing Province having jurisdiction over an inducement area;

3. The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter referred to as "the head of a Si/Gun/Gu");

4. The representative of a radioactive waste management agency under Article 10 of the Radioactive Waste Management Act (hereinafter referred to as "management agency").

(4) The term of office for commissioned members shall be two years and may be renewed consecutively: Provided, That the term of office for a new member commissioned following the resignation of a member or any other event shall be the remaining term of office for the preceding member.

(5) The Committee shall have one secretary, and the Minister of Trade, Industry and Energy shall serve as the secretary. <Amended by Act No. 11690, Mar. 23, 2013>

(6) The Committee shall establish a working committee in order to efficiently operate the Committee.

(7) Matters necessary for the composition and operation of the Committee and the working committee shall be prescribed by Presidential Decree.

### **Article 4 (Committee's Functions)**

The Committee shall deliberate on the following:

1. The plan for assistance to inducement areas under Article 5;

2. The implementation plan for assistance to inducement areas under Article 6;

3. Assistance projects by the management agency under Article 10;

4. Matters regarding the loans, etc. of State-owned property and public property under Article 11;

5. Other matters the Chairperson of the Committee raises for deliberation in regard to assistance to inducement areas under this Act.

#### **Article 5 (Establishment of Plans for Assistance to Inducement Areas)**

(1) The Minister of Trade, Industry and Energy shall establish a plan for assistance for inducement areas (hereinafter referred to as "assistance plan") to provide efficient and systematic assistance to inducement areas. In such cases, the Minister of Trade, Industry and Energy shall consult thereon in advance with the head of each relevant central administrative agency with the relevant assistance plan and the head of a Si/Gun/Gu having jurisdiction over an inducement area. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The assistance plan shall be finalized through deliberation by the Committee.

(3) Matters necessary for the procedure and requirements for the establishment of the assistance plan and the details thereof shall be prescribed by Presidential Decree.

#### **Article 6 (Establishment of Implementation Plans for Assistance to Inducement Areas)**

(1) The head of each relevant central administrative agency shall establish and implement an implementation plan for assistance for inducement areas (hereinafter referred to as "implementation plan") with regard to affairs within his/her remit in order to implement the assistance plan.

(2) The head of each relevant central administrative agency shall submit to the Committee results of implementation of the implementation plan for the previous year and the implementation plan for the next year.

(3) Matters necessary for the procedure and requirements for the establishment of the implementation plan and the details thereof shall be prescribed by Presidential Decree.

#### **Article 7 (Selection of Inducement Areas, etc.)**

(1) The Minister of Trade, Industry and Energy shall select an inducement area through resident voting under Article 8 of the Residents' Voting Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Trade, Industry and Energy shall carry on the plan for the selection of an inducement area, the results of site surveys, the course of selection, and other relevant activities in an open and transparent manner. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Trade, Industry and Energy shall hold presentation meetings or forums for local residents in connection with the selection of an inducement area. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 8 (Grant of Special Subsidies to Inducement Areas)**

(1) The Minister of Trade, Industry and Energy may require each nuclear power plant operator under Article 12 (1) 3 of the Electric Utility Act to provide the competent local government with a special subsidy for an inducement area (hereinafter referred to as "subsidy"): Provided, That he/she may also require such nuclear power plant business operator to provide any Eup, Myeon, or Dong in another Si, Gun, or autonomous Gu within five kilometers from the installation site with such subsidy, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The amount of a subsidy shall be specified by Presidential Decree, taking into consideration the scale of assistance to an area in the vicinity of each nuclear power plant under Article 13 (2) of the Act on

Assistance to Electric Power Plants-Neighboring Areas.

(3) The timing for providing a subsidy under paragraph (1) and other detailed matters shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy. In such cases, the Minister of Trade, Industry and Energy shall consult with each competent local government. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 9 (Establishment and Operation of Special Account for Inducement Areas Assistance Project)**

(1) The special account for projects for assistance to inducement areas (hereinafter referred to as "special account") shall be established in each competent local government, in order to secure funds required for the projects for assistance to each inducement area and ensure the rational operation of the funds.

(2) The special account shall be operated and managed by the head of a Si/Gun/Gu having jurisdiction over an inducement area.

(3) The revenue of the special account shall be as follows:

1. Subsidies;
2. Fees vested in the competent local government pursuant to Article 15 (2);
3. Other revenues generated by the management and operation of the special account.

(4) The expenditure from the special account shall be as follows:

1. Costs incurred in projects for local development, tourism promotion, expansion of cultural facilities, and the assistance in marketing agricultural or fishery products;
2. Costs incurred in projects for the increase of local residents' income, stabilization of their living conditions, improvement of their living environment, and enhancement of their welfare;
3. Other costs incurred in projects specified by Presidential Decree for the development of an inducement area and the improvement of residents' living conditions.

(5) Matters necessary for the management, operation, and settlement of the special account shall be prescribed by an ordinance of each competent local government.

#### **Article 10 (Assistance Projects by Management Agency)**

Each management agency may implement the following projects with regard to an inducement area with some of the fees vested in the management agency under Article 15 (2) as financial resources therefor, as prescribed by Presidential Decree:

1. Subsidization of electricity bills, Public relations, Education, or environment and safety management;
2. Assistance related to agricultural or fishery products or tourism promotion;
3. Other projects to which the Committee deems it necessary to provide assistance for the development of an inducement area.

#### **Article 11 (Loan of State-Owned Property or Public Property, etc.)**

(1) If the State or a local government deems it necessary for developing an inducement area, it may lend State-owned property or public property to a person, permit a person to use State-owned property or public property without consideration or with a discount, or sell such property under a negotiated contract, subject to deliberation thereon by the Committee, notwithstanding the provisions of the State Property Act or the Public Property and Commodity Management Act.

(2) A person who leases, or is permitted to use, State-owned property or public property may install a building or any other facility on the State-owned property or public property.

(3) Specific matters regarding the loan, permission for use, and sale shall be prescribed by Presidential Decree.

#### **Article 12 (Rate of Subsidization from National Treasury Subsidies for Inducement Areas)**

With regard to projects specified by Presidential Decree as assistance projects for the development of inducement areas, the central government may increase the National Treasury subsidy by the rate of subsidization specified by Presidential Decree, notwithstanding the differential rate of subsidization under Article 10 of the Subsidy Management Act. *<Amended by Act No. 10898, Jul. 25, 2011>*

#### **Article 13 (Special Cases regarding Methods of Contract)**

If the construction cost of a project financed with the National Treasury subsidy or a local subsidy granted for the development of an inducement area is less than five billion won, the head of a Si/Gun/Gu having jurisdiction over the inducement area may limit the qualification for participation in the tender for the project to persons who participate in the tender jointly with a person who has his/her principal place of business in the inducement area, notwithstanding the provisions of the Act on Contracts to Which a Local Government Is a Party.

#### **Article 14 (Preferential Employment and Participation of Local Residents)**

It may be permitted to preferentially employ or involve residents in an inducement area in a project implemented for the installation or operation of disposal facilities or assistance thereto.

#### **Article 15 (Collection and Distribution of Fees)**

(1) A management agency may collect fees specified by Presidential Decree from persons who bring radioactive waste into a disposal facility in proportion to the quantity of wastes delivered pursuant to Article 13 (1) of the Radioactive Waste Management Act.

(2) An amount equivalent to the rate specified by Presidential Decree, among the fees collected pursuant to paragraph (1), shall be vested in the competent local government, and the remaining amount shall be vested in the management agency.

(3) Necessary matters regarding the procedure for vesting under paragraph (2) shall be prescribed by Presidential Decree.

#### **Article 16 (Reporting and Inspections)**

(1) If necessary for establishing the assistance plan, etc., the Minister of Trade, Industry and Energy may order the head of a Si/Gun/Gu having jurisdiction over an inducement area to report details of the use of subsidies and fees under Article 15 or to submit data related thereto, as prescribed by Ordinance of the Ministry of Knowledge Economy, and may also order a management agency to report its affairs regarding assistance projects under Article 10 and details of the use of subsidies and fees under Article 15 or to submit data related thereto. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If necessary for conducting an inspection for verification as a result of the review on details of the report or data submitted under paragraph (1), the Minister of Knowledge Economy may assign public

officials under his/her jurisdiction to conduct an inspection thereon.

(3) When an inspection is to be conducted pursuant to paragraph (2), the competent local government or management agency shall be notified of the date, time, grounds, and details of such inspection in advance, and the public officials who conduct the inspection shall carry with them an identification indicating their authority and shall produce it to interested parties.

#### **Article 17 (Relocation of Head Office of Nuclear Power Plant Operator)**

(1) The operator of a nuclear power plant under Article 12 (1) 3 of the Electric Utility Act shall finalize a plan regarding the purchase of land and the relocation of its head office within one year after an inducement area is designated and shall complete the relocation to the inducement area within three years after the implementation plan for the electric power resource development project regarding disposal facilities is approved.

(2) Relevant provisions of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects may apply mutatis mutandis to the purchase of land under paragraph (1).

#### **Article 18 (Restriction on Construction of Facilities Related to Spent Nuclear Fuel)**

A facility related to spent nuclear fuel under subparagraph 5 of Article 2 of the Nuclear Safety Act may not be built in an inducement area. *<Amended by Act No. 10898, Jul. 25, 2011>*

#### **Article 19 (Legal Fiction as Public Officials in Application of Penal Provisions)**

Executives and employees of a management agency that implements a project under any subparagraph of Article 10 shall be deemed public officials for the purposes of any provision of Articles 129 through 132 of the Criminal Act.

#### **Article 20 (Administrative Fine)**

(1) A management agency that falls under any of the following shall be punished by an administrative fine not exceeding ten million won:

1. If it fails to file a report in compliance with Article 16 (1) or files a false report;
2. If it fails to submit data in compliance with Article 16 (1) or submits false data;
3. If it fails to respond to an inspection conducted by public officials in charge under Article 16 (2) or refuses, interferes with, or evades such inspection.

(2) Administrative fine under paragraph (1) shall be imposed and collected by the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **ADDENDA**

(1) (Enforcement Date) This Act shall enter into force on the date the first area in which disposal facilities are to be installed is designated and publicly notified as an area prearranged for an electric power resource development project pursuant to Article 11 of the Electric Power Source Development Promotion Act: Provided, That Articles 7 and 18 shall enter into force on the date of its promulgation.

(2) Omitted.

(3) (Relationship to other Acts) The citation of any provision of the former Act on Assistance to Electric Power Plants-Neighboring Areas in force when this Act enters into force shall be deemed a citation of this Act or the corresponding provision of this Act, if such corresponding provision exists in this Act.

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9016, Mar. 28, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2009. (Proviso Omitted.)

**Articles 2 through 8 Omitted.**

ADDENDA <Act No. 9401, Jan. 30, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDUM <Act No. 9591, Apr. 1, 2009>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 3 (1), (3) and (5) shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 9885, Dec. 30, 2009>

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

ADDENDUM <Act No. 10713, May 24, 2011>

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

ADDENDA <Act No. 10898, Jul. 25, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 12844, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into on the date of its promulgation: Provided, That the amended provisions of any Act, which is amended pursuant to Article 6 of the Addenda and promulgated before this Act enters into force but the enforcement date of which has yet to arrive, shall enter into force on the enforcement date of such Act.

**Articles 2 through 7 Omitted.**

